# EMERGENCY EVACUATION PLANS

## HEARING

BEFORE THE

SUBCOMMITTEE ON
PANAMA CANAL/OUTER CONTINENTAL SHELF

OF THE

## COMMITTEE ON
## MERCHANT MARINE AND FISHERIES
## HOUSE OF REPRESENTATIVES

ONE HUNDREDTH CONGRESS

SECOND SESSION

ON

**THE COAST GUARD'S PROPOSED RULES ON EMERGENCY EVACUATION PLANS FOR MANNED FACILITIES ON THE OUTER CONTINENTAL SHELF**

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MARCH 29, 1988

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# EMERGENCY EVACUATION PLANS

TUESDAY, MARCH 29, 1988

HOUSE OF REPRESENTATIVES, SUBCOMMITTEE ON PANAMA CANAL/OUTER CONTINENTAL SHELF, COMMITTEE ON MERCHANT MARINE AND FISHERIES,

*Washington, DC.*

The subcommittee met, pursuant to notice, at 2:05 p.m., in room 1334, Longworth House Office Building, Hon. W. J. (Billy) Tauzin (chairman of the subcommittee) presiding.

Present: Representatives Tauzin, Coble, and Herger.

Staff present: Roy Willis, Roxana Chahin, Harry Burroughs, Dave Whaley, Ed Welch, Duncan Smith, Sue Waldron, Kurt Oxley, and Charles Moore.

## STATEMENT OF HON. W.J. (BILLY) TAUZIN, CHAIRMAN, SUBCOMMITTEE ON PANAMA CANAL/OUTER CONTINENTAL SHELF

Mr. TAUZIN. The hearing will please come to order.

Let me first apologize for the lack of attendance on the part of members. We may see the ranking minority member, Mr. Fields, a little later, and some other members come in. We had a death in our family, one of our colleagues, Chairman Howard, and many of the members are attending upon his funeral. And so we did want to make that apology to all of you who have come from near and far to be with us today.

Today, we continue our long-standing inquiry into the safety of offshore workers with this hearing on the Coast Guard's proposed rules on emergency evacuation plans for manned facilities on the Outer Continental Shelf.

In the Budget Reconciliation Act of 1986, the Congress specifically directed the Coast Guard promulgate rules on emergency evacuation procedures for the OCS facilities by September of 1987, and to consider mandating the use of standby vessels for manned installations on the OCS, as part of its emergency evacuation regulations. In its proposed rules, published on December 24, 1987, the Coast Guard reported that it considered by decided against mandating the use of standby vessels. That decision, I might add, was reached despite the fact that mandatory use of standby vessels has been recommended by both the National Transportation Safety Board and the Coast Guard's own Board of Inquiry.

The proposed rule can be divided into two basic parts. First, there is a requirement for the site-specific Emergency Evacuation Plans for manned OCS facilities. The EEP criteria are general and include no guidelines for minimum safety training or equipment for OCS facilities. The proposed rules provide no procedure for the

review and approval of an EEP or, more importantly, for rejection of an inadequate EEP and an appeal procedure through which disagreements can be resolved.

The second part of the rule deals with "standby vessels", and I have that in quotes, a new category of offshore boat defined in the proposed rule. While there is no mandate to use standby vessels, the proposed rules do place equipment, manning, inspection and certification requirements on boats used as standby vessels. Most, if not all, utility boats now serving the OCS would have to be modified to meet this requirements.

When the two parts of the proposed rule are taken together, we have a very strange result. We have guidelines for Emergency Evacuation Plans that are general and nonspecific, but very specific and costly criteria for, quote, "standby vessels", unquote, without mandating their use. In a twist of the old cliche, the Coast Guard appears to have put a very elaborate and costly cart before the horse.

As a result, the offshore boat industry finds itself in a "Catch 22"—they spend tens of thousands of dollars modifying supply and crew boats to meet the new criteria, without any realistic prospect that the modified boats and their larger crews will ever be used. That fact, to say the least, has created widespread concern among boat operators.

Almost from the beginning of the OCS exploration and development, it has been commonplace for OCS lessees, mostly major oil companies, to use crew boats and supply vessels in an auxiliary role—that is "standing by" to render assistance in emergency situations or to help with other tasks during drilling, construction or other activities offshore. The use of boats in this role began to drop off sharply when oil prices declined. Even though many boats are still used in this auxiliary role, following the proposed rules, boating officials say there is a growing reluctance to using offshore supply and crew boats in such a capacity because of the pending equipment and manning rules for quote, "standby vessels", unquote. Now, even fewer boats are standing by; and, as a result worker safety has already been diminished by the proposed rule.

I have asked Secretary of Transportation, Jim Burnley, to hold these requirements in abeyance until the Congress has an opportunity to review their impact on the safety of offshore workers. Just yesterday at my office in Houma, I received a phone call from Secretary Burnley, with an assurance that our request to hold the rules in abeyance would indeed be honored. And that this committee and Congress, as a whole, would have a chance to indeed review the impact of these proposed rules prior to their being put into effect. And it was his hope, as it is mine, that as a result of this hearing and further discussions and meetings, that we might see modifications in the rule which would answer many of the concerns that I have, and other members have, and others who have filed comments with the Coast Guard have earlier expressed in those comments.

We hear today from the Coast Guard, from boat operators, and from a representative of an oil company with facilities in the OCS. A representative of the Offshore Marine Service Association, a

large industry group representing boat operators, was scheduled to testify but had to cancel at the last minute.

We also have a written statement from the Chairman of the Full Committee, the Honorable Walter Jones, who has asked that his statement be placed into the record, and without objection, it is so ordered.

[The statement of Mr. Jones follows:]

STATEMENT OF HON. WALTER B. JONES, CHAIRMAN, HOUSE COMMITTEE ON MERCHANT MARINE AND FISHERIES

The topic before us is one of great importance to the many people who serve their nation to help ensure that we are able to maintain our ability to continue as a leading petroleum producer. With the days of giant onshore finds of oil on the American continent behind us, with the possible exception of Alaska's North Slope, we must increasingly turn our attention to offshore oil and gas exploration and development.

The dangers posed by working on a mobile offshore drilling unit 60 miles from shore and 80 feet above the ocean's surface are inherently greater than those faced on a rig located in the rolling hills of western Oklahoma. Out of necessity, the technology and safety precautions associated with offshore operations have progressed in quantum leaps and bounds over that first used in the infancy of offshore development. Yet, despite these advances, we cannot ignore the fact that offshore accidents continue to occur. As if the perils encountered in the drilling process aren't hazard enough, hurricanes, rogue waves, and other natural phenomena also pose an immense threat to those who work offshore.

The United States Coast Guard, as the Federal agency charged with the responsibility for the safety of life at sea, is responsible for the inspection of offshore drilling units and platforms and the licensing of their key maritime personnel. Along this line, the Coast Guard is also eminently qualified to specify, review, and evaluate the efficiency of the emergency evacuation plans for offshore installations. It is for this reason that I supported the inclusion of language in the 1986 omnibus reconciliation bill requiring the Coast Guard to issue regulations concerning offshore safety. Included in that language was a provision directing the Coast Guard to "consider requiring standby vessels for the evacuation of personnel from manned installations on the Outer Continental Shelf". We have reviewed the proposed rules which were published in the Federal Register last December. Those rules do not require the positioning of standby vessels at manned OCS facilities. This has caused the chairman of the Panama Canal/Outer Continental Shelf Subcommittee great concern and I share that concern.

My preliminary analysis of the issue indicates that just as pouring water on a fire is not always the most appropriate method by which to fight a fire, requiring the use of standby vessels is not necessarily the best way to ensure the safety of offshore workers. Advancements in helicopter viability, escape capsules, covered lifeboats, weather forecasting, MODU and platform stability and technology, drilling safety, and the like have made the issue of offshore safety a multifaceted one. All of these factors must be taken into consideration when developing an offshore safety regime. Additionally, different sites have different characteristics such as weather, proximity to shore or other installations, range of formation pressures encountered during drilling, and type of installation used. This makes a broad brush treatment of such a complex issue inappropriate.

I have requested copies of the comments upon which the Coast Guard based its proposal. I am also in the process of reviewing the National Transportation Safety Board's recommendations regarding standby vessels in the board's analysis of Maritime accidents involving MODU's such as the Ocean Ranger and the Penrod 61. These reviews, coupled with the testimony at today's hearing, will provide us with more facts upon which to make an informed determination on the appropriateness of standby vessels for offshore evacuations.

Mr. TAUZIN. The ranking minority member, Mr. Fields, has also submitted a written statement for the record, and without objection his statement is accepted into the record.

[The statement of Mr. Fields follows:]

STATEMENT BY HON. JACK FIELDS, A U.S. REPRESENTATIVE FROM TEXAS

Mr. Chairman, I would like to compliment you for holding this hearing today on the Coast Guard's proposed offshore emergency evacuation regulations.

Mr. Chairman, it is safe to say that there isn't another subcommittee in the Congress that has spent as much time or effort, as we have, on trying to improve offshore worker safety.

In fact, this hearing is just a further demonstration of our commitment to the well-being of the thousands of men and women who work on the Federal Outer Continental Shelf.

While working on an offshore platform or mobile offshore drilling unit is certainly a difficult and dangerous job, steps can be taken to ensure that safety is never compromised.

I would hope that the Coast Guard has carefully examined each and every emergency option and that it has not rejected any simply because of economics.

Mr. Chairman, we must never sacrifice the safety of even one offshore worker because it may cost more money. And I cannot imagine that anyone in the energy industry would ever want to be in the position of having to tell a young woman that her husband could have been saved if only a certain evacuation procedure had been available.

While the Coast Guard has spent a considerable amount of time examining ways to improve offshore safety, I would hope that they would allow the Subcommittee an opportunity to review their proposed regulations and to make appropriate recommendations or improvements.

For today's hearing, however, I am interested in learning why the Coast Guard has not mandated the use of standby vessels, why the Coast Guard has substantially increased the safety features and requirements of a standby vessel, and how safety will be improved with the enactment of these regulations.

Mr. Chairman, these are important questions and I hope that each of our distinguished witnesses will share with us their thoughts and valuable insights in this matter.

Thank you, Mr. Chairman.

Mr. TAUZIN. Other members will, of course, as is our customary rule have five days from the date of this hearing to submit any other statements or any other documents they wish inserted into the record.

With that said, we will now open the hearing with the witnesses scheduled, and we will ask all of you to summarize your written comments, if you submitted written comments, and to hopefully keep your comments to about five to ten minutes if you can.

We'll now start with Capt. James Card, Chief of Merchant Vessel Inspection and Document Division, Headquarters, U.S. Coast Guard here in Washington, DC.

Captain Card, welcome to the committee and you will please give your testimony now, sir.

## STATEMENT OF CAPT. JAMES C. CARD, CHIEF, MERCHANT VESSEL INSPECTION AND DOCUMENT DIVISION, HEADQUARTERS, U.S. COAST GUARD

Captain CARD. Thank you, Congressman.

I am Captain Card, and in addition to being the division chief for our MVI Division, I'm also the Marine Inspection Program Manager, and it's in that role, as well as my Division Chief's role that I appear today.

And I am pleased to be able to have this opportunity to appear at the hearing on the Coast Guard's Notice of Proposed Rulemaking on Emergency Evacuation of Personnel from Manned Outer Continental Shelf Facilities.

As you're aware, the Coast Guard published a notice of rulemaking on December 24, 1987, which would require a comprehensive

site specific contingency plan for the emergency evacuation of all personnel from manned fixed facilities, and from mobile offshore drilling units on the Outer Continental Shelf [OCS] of the United States. The comment period for the notice of proposed rulemaking closed on February 25. We have 42 comments that were received in response to the notice.

Many of those comment letters contained very professional, very good comments. It was one of the better rulemaking comments that we had, and they're currently being evaluated by our staff. And although the way that those comments will ultimately be incorporated into the rule hasn't been determined yet, it's clear from the comments that we need to modify our original proposal, and I think that particularly with the requirements that we have listed in there for standby vessels, there needs to be some modification.

Further, as you indicated, Secretary Burnley has asked that today's hearing be made a part of the docket so all that happens here today will be included as a part of the docket for our rulemaking process.

I don't have any more formal statement on the notice, but I'd be happy to answer any questions that you and the subcommittee might have.

Mr. TAUZIN. We also want to welcome to the committee our colleague, Mr. Coble. Howard, I asked for comments by any members. Would you like to make any comments at this time, or would you——

Mr. COBLE. No thank you, Mr. Chairman.

Mr. TAUZIN. Thank you, Mr. Coble.

Captain Card, let me perhaps, for the benefit of the committee, put these proposed rules in a larger context. In addition to the proposed rules that are the subject of this hearing today, what other rulemaking is ongoing or anticipated for offshore safety, and what is the time table for those efforts?

Captain CARD. There are several efforts which are ongoing, Congressman. I think the one that originally contained the issue we are here to discuss was published as an advanced notice of rulemaking in the spring of 1985, and was to revise the Outer Continental Shelf Activities regulations.

Since that time, several pieces of it have been broken off and gone forward as separate regulatory projects. Let me indicate one of them being, a self-inspection rulemaking for OCS facilities, which is now in the Secretary of Transportation's office. The review of that package is almost complete and that should be a final rule in a relatively short time.

Another related rulemaking was some workplace safety rules, which while they weren't under this docket, were under another that had to do with safety of workers on the OCS and included requirements for safety shoes, glasses and other personal protection devices. That rule was published in the Summer of 1986.

This rulemaking which we're talking about today, was initially intended to be a part of the package addressing revision of the OCS activities regulations but was broken out because of your wishes and Congress's wishes.

In addition to the elements of that, regulatory initiative we are still looking at requirements for lifesaving equipment for fixed

platforms, other workplace safety issures, what to do with fire protection on the platforms, rules for foreign vessels operating on our Outer Continental Shelf, and the possibility of additional requirements for fixed floating facilities which are relatively new to the area.

That's all under that one umbrella. Our goal for those items is to have notice of rulemaking published in early winter, probably December. There are, as you know, other offshore activity regulations which are ongoing.

For mobile offshore drilling units, there's an updating of those regulations which is following international activity. The international activity has been very active. In fact, it was just two weeks ago that our team came back from the International Maritime Organization (IMO) meeting in London. Following what's put in place in the IMO MODU code, we'll revise the regulations in that area. There are some other ones which will impact this, but those are the major ones.

Mr. TAUZIN. Do you yet have an active offshore safety advisory committee, and if not, do you need any other authority than you currently have now to authorize one?

Captain CARD. We don't have one right now, but we're working very hard to put one in place.

Mr. TAUZIN. You have authority, do you not, to put one in place?

Captain CARD. We do have the authority for the offshore advisory committee, and it's been announced as a possibility in the Federal Register. We have very excellent candidates, and that whole package has been submitted to the Secretary of Transportation, and I know it's under high level review right now, so it could be very, very close that we could have the National Offshore Safety Advisory Committee in place.

Mr. TAUZIN. You mentioned in your previous answer the situation with international rules for MODU's, and the interest to the Coast Guard in those rules and codes. In your commentary on the currently proposed rules, you indicated that you had examined the cost benefits of requiring standby vessels at each manned platform, or within six miles of each manned platform, which had been several of the options discussed. Did you analyze separately such issues as requiring standby boats for mobile offshore drilling units, or perhaps doing high risk operations such as transportation of MODU's with full crew compliments aboard, or during actual drilling operations, when the risk of blow-outs, fires, explosions are greatest, both types of scenarios? Did you analyze separately the question of standby vessels being required for those kind of conditions?

Captain CARD. Congressman, I think we talked about doing that in the process of putting it together. But I don't know that we actually carried the analysis from the beginning to the end in that. I think the analysis which we've put into the economic analysis for these rules, are the ones that we carried out. I'd have to check with the branch to see if we have more that we haven't published, but I think we talked about it but didn't carry it out to the same degree as we put into the economic analysis.

Mr. TAUZIN. So what you're saying is you may not in your analysis have really separated those issues out, although you talked about it initially.

Captain CARD. I don't know that we took, for instance, a particular case you said might be determined as a more hazardous drilling scenario, looked at that, looked at requiring standby vessels for that, and then seeing what the cost would be. I don't think that we did that. We may have talked about doing it, but I don't think that we did that.

Mr. TAUZIN. How about for MODUs in general?

Captain CARD. The MODUs were probably just included with the platforms. I think we put those two numbers together when we ran the analysis. It would be easy to separate those out.

Mr. TAUZIN. The reason I ask is your own Boards of Inquiry, and the National Transportation Safety Board, have both recommended that standby vessels be mandated at MODUs. And yet, of course, you rejected those recommendations, and I'm hearing now that you didn't separately consider the issue of standby vessels at MODUs. Is that correct?

Captain CARD. I don't—not being a part of all of them, sir, I could get that and tell you exactly what we did, but my memory of the situation was we talked about that. I know that we've had the recommendation from the Marine Board of Investigation. I also know that in our analysis of it, and our other testimonies, both I think, as given by Captain Ecker, and by Admiral Lusk, we indicated that standby vessels could play a part but that we weren't sure whether it should be required as was being requested.

So we did the analysis, but exactly how we did the cost part of the analysis, I'm not sure.

Mr. TAUZIN. OK.

Can you tell the committee why you rejected the recommendations of both your own Boards of Inquiry and the National Transportation Safety Board, when it comes to standby vessels being mandated at MODU's?

Captain CARD. Congressman, I think what we did was we looked at what we thought would be the best performance criteria that we could put together for emergency evacuation of offshore facilities, and in the process of doing that we looked at all the various options. The option that we selected and that we put into the rulemaking, we did because we thought that would provide the best safety and the most flexibility in the process. We looked at the combination of MODUs as well as platforms, knowing that sometimes on platforms there is work over, and that there is a comparable risk to drilling.

And so we looked at it all and came up with what we thought was the performance criteria that we put into the standby vessel—I mean, into the emergency evacuation plan rule.

Mr. TAUZIN. So that you didn't come up with specific answers to the concerns raised in the recommendation of the Board of Inquiry or the National Transportation Safety Board, with reference to MODU's separately and apart from the considerations of safety on fixed platforms?

Captain CARD. I'm sure that we've done several things. I'm sure that we've answered the National Transportation Safety Board's

comments, because we do that on a regular basis, and I'm sure that our answers to the National Transportation Safety Board are consistent with what we've said in the notice of rulemaking on emergency evacuation plans.

I don't know, but I could find out very easily and provide to you, how we responded from the headquarters level to the Marine Board. The Marine Board conducts its investigation, and then the Commandant takes the final action on that, and either adopts or does not adopt the recommendations of the Marine Board. The exact words I don't know, but that's easy to provide.

Mr. TAUZIN. Yes. I'd like you to provide that because we've got two situations. We've got a situation where not only have you received the recommendation of your own Boards, and the National Transportation Safety Board, that at least it's the MODU's that have this requirement, but then you also have the fact that other nations, especially Great Britain, Norway and Canada all mandate standby vessels. And yet, you make a recommendation in fact that it not be required in U.S. offshore waters, despite the fact that your own Boards recommend to the contrary. That system of analysis would be very helpful to us in understanding the rationale by which you came to those conclusions.

What minimum safety requirements, especially for personnel training and safety equipment now apply to OCS facilities?

Captain CARD. Congressman, there are requirements for some lifesaving gear on fixed platforms, personnel as well as some buoy apparatus or life floats. There are some requirements for some drills for abandonment, and there are requirements for, like I say, workplace safety which we've put into place.

I also think a complete listing of those, could be provided for the record. But those are the ones that are off the top of my head, that we have in the regulations for manned platforms. Of course, then for MODU's there is quite a complete set of regulations.

Mr. TAUZIN. I might hesitate just a second to call on my colleague, Mr. Coble. I've got a list of questions I intend to go through, but if you'd like to interrupt and do a round of questioning, I certainly want to yield to you at this time.

Mr. COBLE. Thank you, Mr. Chairman. And I apologize, Mr. Chairman, for my belated arrival.

Captain, I want to just extend for the moment what the Chairman has done regarding the recommendations by the National Transportation Safety Board and the Board of Inquiry, and yet the Coast Guard's decision not to comply in that. Now the fact that you may not be complying with those recommendations may be well and good. I'm not arguing that point—I'm not arguing with you at all. But, did you say that you didn't know why? I'd like to know the reasons why these recommendations were rejected, for want of a better reason?

Is that what you're going to get for us?

Captain CARD. Congressman, I think a couple of things. Initially we're talking about what analysis we did for costing, of looking at particularly the cost for providing standby vessels just for MODU's. And that that particular economic analysis is what I was saying I wasn't sure whether we did that specifically or not. I don't think that we did.

In the larger sense, why we did not then pick up in both the Marine Board of Investigation's requirement for standby vessels, and the National Transportation Safety Board's requirement for standby vessels, I don't know. I think the reasoning was provided in the preamble to the notice of proposed rulemaking, and included a discussion regarding the comments I've talked about with regard to flexibility in the emergency evacuation plan, and providing a plan which would allow for the use of standby vessels if the operator so desired, but not require them. I am sure that is what our general response would be to both the Marine Board of Investigation, and the National Transportation Safety Board, and again in response to the law which is requiring us to put this particular rulemaking in effect.

Mr. COBLE. Well, now are we to get a more detailed analysis on this inconsistency, for want of a better word, Mr. Chairman? Is that what you requested?

Mr. TAUZIN. Yes. In essence, exactly.

Mr. COBLE. And that will be forthcoming, I presume? Is that correct, Captain?

Captain CARD. We can provide that, yes, sir.

Mr. COBLE. Well, I'd like to have the benefit of that.

Mr. TAUZIN. So would I, Mr. Coble. What I specifically tried to get from Captain Card was an understanding of why their analysis had not separated out the question of MODU's, and specifically address that issue with relationship to the recommendations they had received from their own Boards of Inquiry and the Transportation Board.

Mr. COBLE. Well, I share the concern of the chairman on that, Captain.

Thank you. Mr. Chairman, no further questions at this time.

Mr. TAUZIN. Thank you. And again let me remind you, Mr. Coble, any time you want to jump in—it's just you and I here, so we're going to do this rather informally. You just let me know whenever you have a question.

Continuing, Captain Card, in your commentary on the proposed rules, you also said that other evacuation equipment may best serve this purpose, that is evacuation, in some if not most of the evacuation scenarios. Were you referring to any particular equipment? Did you have any in mind in that comment?

Captain CARD. I think, Congressman, the kinds of things that were being included in there were first, of course, the helicopters can be used. And then based upon the kind of emergency evacuation equipment already provided on MODU's and some of the platforms, the covered lifeboats, davit launched life rafts, they should also be included in the overall plan for evacuation, depending upon the hazard scenario.

Mr. TAUZIN. Does the Coast Guard now inspect or regulate any of that evacuation equipment specifically, the evacuation capsules, the covered life boats and the helicopters?

Captain CARD. Yes, sir, on several fronts. First of all, they're all made to very specific Coast Guard regulations, Coast Guard specifications for that equipment. And then for all inspected vessels, which mobile offshore drilling units fall into that category, they're

inspected on an annual basis by the Coast Guard, and more frequently by the person in charge of the vessel.

On the Outer Continental Shelf on the fixed facilities we require certain life floats, but if you put more advanced lifesaving on that, then that's also continued to be inspected by the Coast Guard, as are the life boats. That's to be done on an annual basis. That's the regulation for which we do have a self-inspection package coming up, however, we will do spot checks of the facilities and we're dedicated to doing 100 percent of the manned facilities the first year.

Mr. TAUZIN. Again, for the benefit of my colleague, we're now talking about equipment other than standby vessels themselves, which could evacuate people. The other equipment that is on the rig, or may service a rig, such as a helicopter, or the covered life boats, or the enclosed orange capsules, as we often refer to them.

In reference to these capsules, for example, does the Coast Guard have requirements for first aid equipment aboard the capsule, for communication aboard the capsule, and those related types of evacuation safeguards?

Captain CARD. Congressman, the first aid equipment is required in most lifesaving boats, capsules. Communication equipment, I think depending upon—and I'm trying to search my memory here—depending upon where the vessel is going, it's a changing field right now what communication equipment we require. And it may or may not be depending on how close it is to shore, what kind of communication equipment we're requiring in lifesaving situations.

The whole new system for emergency position, radio beacons, and all those sorts of things have been put in place for the vessels going to sea. I'd have to see exactly what they required for the platforms.

Mr. TAUZIN. Let's ask then for a specific submission of what the Coast Guard rules and regulations are in requirements for these capsules and covered life boats, in particular, and for helicopters servicing the rigs.

What I'm getting to is the concern that's been expressed that while very specific types of requirements are being proposed for the single evacuation mode of the standby vessel, there's some concern that perhaps not the same or similar type requirements are placed upon other evacuation modes. And so, if you would submit that so we'd have an understanding of why that difference seems to apply.

Do you have any idea how many helicopters serving the offshore area, for example, have equipment or personnel trained to retrieve offshore workers from the water?

Captain CARD. I don't have access to that information.

Mr. TAUZIN. And the Coast Guard would not have access to that?

Captain CARD. No, sir. What we would do, and what was intended or envisioned in this plan was to look to see that as the plans came in for emergency evacuation that all 18 facilities weren't planning on using the same helicopter at the same time. But I don't know how many are available in the area to be used.

Mr. TAUZIN. What will the Coast Guard's review of the EEP's entail, and how do you anticipate handling inadequate submissions?

Again, we're talking about these new plans that you propose for evacuation.

Captain CARD. Sir, as you know, we had several comments to the rulemaking on why don't we approve them as opposed to examining them, and what's the difference between those two.

Mr. TAUZIN. Yes.

Captain CARD. In the process of looking at the regulations and putting them together, we did look at the idea that maybe they should be approved. And the comments that we got internally were that they would need to be much, much more specific and more detailed to fall into the area for approval. We felt that if we required the more general set of regulations that we proposed, we'd be able to allow the people the flexibility and creativity to keep up with the technology, and at the same time we would be able to examine them to see if they met the intent of providing the evacuation that was there.

What we would do with them, is we would get the plan submitted to us; we would see that they were in fact a bona fide set of plans which addressed all the things from weather when evacuation should start, to all the various hazard scenarios, and what was being used, that it was reasonable. And then if that was the case we would send a letter back saying your plans have been examined. If we felt they weren't meeting the regulations, we would send a letter back to that effect, saying we don't think that this set of plans meets the regulations, and we think it needs to be submitted again in these particular areas. We would not approve them, but we would examine them thoroughly.

Mr. TAUZIN. Let's assume there's a disagreement. How do you resolve it? Let's say that they come back and say, we think it's quite adequate under your rules.

Captain CARD. I suppose this falls into one of the categories of things that we continue to do when—I mean, we don't always agree that the regulations that we have are the same from both sides of the coin. That's a continuing process. I think that—and I should send something in on this as well. I would guess that the law provided for this, and in the regulation, some sort of a process which, if they finally decided not to do it, there could be a penalty for not having the appropriate emergency evacuation plan.

Mr. TAUZIN. Now, wait a minute. They've submitted it, you've done what your rules said, you examined it. And you've commented on it. They've complied with your rule. And you have suggested to them changes that they'd rather not make, so they've said, we've complied with your rule. We've done it, we've submitted it, you've examined it, fait accompli.

Captain CARD. Sir, this is not different than a lot of things that we do. We do a lot of plan review and approval.

Mr. TAUZIN. But you approve there, you see. Plan review and approval. And what we've been asked, is why do you not say approval in this case? Why do you simply say we're going to look at it? And if you don't have approval authority under the rule, how do you settle disputes when the other side says, well, we've done what you said, you've done what you said you would do, it's done?

Captain CARD. I also think part of this is we, although it doesn't answer your specific question, Congressman, I think we expect that

we will have a lot of responsible submittals from the industry in this area.

I would think that we, with the letter available there, saying that this does not meet the requirement of the regulation as we see it, that would be enough impetus on the part of the person submitting that plan to revise it. I'm sure there could be disputes like we talk about. We have those from time to time on our regulations, but I think that we would be able to——

Mr. TAUZIN. Well, I don't want to beat a horse to death here, but you see obviously, that your answer is that you're counting on the good will of the people you're regulating to respond and never to have a dispute with you, but you're also admitting you occasionally, at least, have disputes with the people you regulate.

Captain CARD. Sir, I would think that having the letter in the record that you didn't have an adequate emergency evacuation plan on file, would be enough impetus with insurance reasons and everything else to make that right and get a letter from the Coast Guard which says we think this meets the intent, and therefore it's examined, without further comment.

Mr. TAUZIN. Well, it remains a problem area for this member, at least, and perhaps for others when they look at these rules, that without some procedure for handling inadequate submissions, that we're left with a situation best described as limbo, I suppose. And I haven't heard anything other than good will offered as—and perhaps some concern about insurance, as a solution.

But let me move on. During Hurricane Juan, which was the hurricane that proceeded the last hearings we had on this subject matter, if you recall, one contributing factor to the problems of inadequate evacuation, and the fact that many men were left aboard facilities, even aboard one that collapsed in the middle of the hurricane, was a fact that offshore operations were relying upon boats and helicopters for evacuation, but much of the equipment was already committed elsewhere, or in the case of helicopters just couldn't fly because of the winds. Will the Coast Guard's review include an analysis to ensure that there is not an over commitment of resources to deal with the adequate evacuation of personnel?

Captain CARD. Congressman, that's part of our intention. Our first review of these facilities, I mean these plans we intended to do here in Coast Guard Headquarters for consistency as well as to look at those aspects to ensure that there was not overcommital. As I said earlier, that one person wasn't—the same 18 platforms weren't relying on the same one helicopter to be able to evacuate their people, or the same vessel, if you will. So we do plan on looking at the resources as a part of the planning review.

Mr. TAUZIN. There is widespread consensus in the comments that we reviewed, I'm sure you reviewed them well too, that from the offshore operators the MODU's companies themselves, and not the lessees for whom they work should be responsible for formulating the EEP's for MODU's. What is your reaction to that commentary?

Captain CARD. I would say at this time, Congressman, we're evaluating that. We have just published a rulemaking for operating manuals, revision to operating manuals for MODUs, which requires there be some evacuation procedures in those operating plans. And we would hope to be able to perhaps marry those two

together, but we're still studying those comments and we haven't decided on that all the way.

Mr. TAUZIN. Well, if I can elaborate. We've looked at the comments. They seem to make quite logical sense to us, at least in our review, that in fact the MODU companies are in charge of the MODU, and should have responsibility for the plans that are going to be either submitted, or examined, or eventually perhaps even approved by you, rather than the companies for whom they work. It's something that we simply want to emphasize again, that seems to be a valid comment in some of the offshore operators comments we've seen.

Another question that underlies the confusion and concern that the proposed rules have generated, deals directly with the continued role of offshore supply boats and crew boats in an auxiliary safety role, even though they do not have the special equipment manning levels specified in the proposed rules. Let me be specific. The company term, standby vessel, is not a legal term, as I understand it or we understand it in the terms of the industry. A standby vessel could well be a supply boat, or a crew boat that does other things and simply provides auxiliary safety evacuation role. That is more often than not the case. I know of very few companies, if any, who maintain a boat that you might have called a standby vessel in your rules, that isn't first a boat doing other work, moving around platforms, bringing equipment, moving men around. And that it performs an auxiliary role of evacuation or safety in the context of that other work.

If you could, for the record, does the Coast Guard anticipate that these vessels will continue to perform their traditional standby role and what can and will you do in any final rules to address this concern? Let me perhaps state it another way. The companies who have these vessels in this traditional standby role, looking at your rules wherein you legally define a standby safety vessel, with all the new requirements, are concerned about keeping these other vessels at all, because they don't meet your other requirements. And having these vessels there, and having them perform the auxiliary, extra role of safety, seems to work pretty well in the industry. And there's confusion now, because of the proposed rules.

Let me ask it again. Will you, in your final rules, do anything to try to address this concern?

Captain CARD. Congressman, I hope I can capture the essence of your question, because I think it's an important one, and I know it's one that we have a lot of comments into the rulemaking.

And I think it's probably premature for me to say exactly how the final rules are going to come out, because we still are evaluating all the comments. I do know, though, that some of the primary concerns that we've heard from the boat operators, having to do with the extra requirements that they have to have on board, are being seriously considered and will be addressed in the final rulemaking. And I'm talking about the ones which are more costly, being certificated for all the people that they're supposed to carry, the rescue boat requirement, if you will, and some of the manning considerations for that. Those are being addressed. We have a lot of comments on those and we have to address that.

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I don't think we envisioned that this vessel would have to be used exclusively for just standing by, not doing anything else, as long as it was available in the area to be able to do the work. So, hopefully when we put all this together, understanding what I think is your concern, that will be taken care of—taken into account, when we put together the final rules. And certainly all the comments we receive here today, and all the input that we receive today will be taken into account.

I hope I've answered your question. If I haven't, I'll try again.

Mr. TAUZIN. You've come at it from one direction. You said you thought the final rules would reflect a notion that the so-called standby safety vessel, that you referred to in these new regs, could do other work. But I suppose what I'm asking you to do is to consider it from the other direction. That vessels doing other work without the necessity of having all this sophisticated and special gear and equipment, and manning requirements, might still perform an auxiliary safety role within the context of the EEP's that are presented to you.

Captain CARD. I think I understand what you're saying, Congressman, and we'll certainly consider that in the process of doing the rulemaking.

Mr. TAUZIN. That's all I ask.

One particular concern I have, as a member of Congress, with respect to the Coast Guard's budget and operational duties as far as the OCS regulatory regime is concerned, is the level of expertise, and experience of Coast Guard personnel with the offshore oil and gas industry, and multitude of activities that take place offshore, many of which are outside what is normally considered traditional Coast Guard responsibility. In addition to that the many, many layers of responsibilities Congress has imposed upon you as time has gone by.

In your opinion, are you comfortable with the existing Coast Guard budgetary, operational, and personnel systems as being adequate to regulate OCS activities at the level which Congress has mandated?

Captain CARD. Congressman, I don't know that I'm the best person to answer that question for the Coast Guard's point of view. I'm not sure I have the best pieces of information. I know there have been lots of testimony from far more senior officers than I here on the Coast Guard budget, and the Coast Guard people, et cetera.

I would be happy to take that question away and answer it for you. I think that from the Marine Inspection point of view, we're staffed around the Gulf to be able to do the activities right now, but in a larger sense, I think it would be best if I took that question away and we brought an answer back to you.

Mr. TAUZIN. From someone of higher authority?

Captain CARD. Yes.

Mr. TAUZIN. I'm sure that would be very appropriate, and perhaps you can ask perhaps the Commandant himself to comment to us in writing with regard to that question. It's a major concern.

We're imposing new mandates on you in offshore safety. And at the same time there are budget cuts, and other mandated activities. And the real question is, Can you staff up? Can you provide

for all these new mandates, particularly with new expertise and new experience in OCS areas you have not traditionally been required to operate in? And that's one perhaps you might ask the Commandant or someone in his office to help with some written testimony for us.

We had some pretty good hearings on this topic a couple of years ago. Particularly right after Hurricane Juan. I recall at one of the hearings, men who worked on the platform testified about the inadequacy of the orange capsules. During one emergency aboard a fixed platform, in this case, a threatened blowout, that they ran to the orange capsule on one side of the rig, and tried to launch it and it wouldn't launch. And when the emergency was cancelled, out of a strange sense of curiosity, they went over and tried to launch the second one, to find out that it launched, upside down.

In the case of Hurricane Juan, I think it was the Penrod platform that collapsed. We heard stories of how the orange capsule that did launch, there was only one that was launched in that case, that it overturned. The men inside had to escape it and cling to the side of it in 40-foot seas. Others had not made it to the orange capsule, and were in the water. In fact I had a cousin, I interviewed extensively from my hometown in Chackbay, who clung to a piece of timber in 40-foot seas for about 14 hours, because that platform had not been adequately evacuated before the storm. There were lots of problems with that storm also discussed, in fairness to the companies involved.

But the bottom line is, we had a couple of really good hearings on problems dealing with the inadequacy of some of those forms of equipment, and some of the equipment we tend to rely upon in those emergencies when they do occur. The fact that helicopters couldn't fly; the fact that in the Pennzoil case, the standby vessel which could have removed them didn't remove them and left, you know, and how that relates to all this issue. Really, I think, provided a lot of good information with reference to the Coast Guard's mandate to consider a new rulemaking.

Was the testimony of those hearings made a part of your rulemaking, and did you at all review them or consider them in the process of your analysis?

Captain CARD. Yes, Congressman. They were used. I can tell you that the copy that I looked at in preparing for this hearing, was somewhat dogeared, so I'm sure that they were read, they were marked up with different colored pens, yellow and pink, and blue. So they were used and they were considered in the process of putting together the notice of proposed rulemaking that you have.

Mr. TAUZIN. Let me make an urgent plea to you. Your rules provide for such plans and equipment and procedures as would give the men and women who work offshore an opportunity to evacuate to some other safe place. And at least one of the companies, in their comments, has requested that you consider the capsule itself as that other safe place. As one member, let me urge you, please, to reject that notion. And on behalf of the gentlemen who went through Hurricane Juan in an orange capsule, only to find out they had to evacuate it under water, let me urge you to reject the notion that the orange capsule is a safe place in the middle of a hurricane.

And finally, several companies in their comments have suggested the proposed rule offered no improvement over the regulations now in effect under the Department of Transportation at 49 CFR, and that the Coast Guard itself at 33 CFR. In your view, what is the improvement made by these proposed rules in addition to existing regulation?

Captain CARD. Congressman, I think the largest improvement will be a systematic analysis of what is required to meet the various hazards that similarly we see offshore from a blowout to a quickly rising hurricane, to a fire, and then address those things also in a systematic and a professional manner, of how to evacuate people in those situations. And that will be a requirement that doesn't exist, at least in the same way right now, and therefore, I think it will enhance offshore safety.

Mr. TAUZIN. Captain Card, I truly appreciate your testimony, and before I wrap it up, perhaps I'd yield to my colleague, Mr. Coble.

Mr. COBLE. Thank you, Mr. Chairman.

Captain Card, I too, appreciate your being here. Captain Card, the regulations proposed by the Coast Guard last December, FR 48717, called for an emergency evacuation plan for manned OCS facilities which go beyond that call as far as the standby vessels are concerned. Why the lack of consistency, for want of a better way of saying it? Or how did this logic come to be the result?

Captain CARD. Congressman, I think what we tried to do was in response to the law that was passed, address the emergency evacuation of all manned facilities, which included offshore drilling units, and in the process of doing that, allow for the use of standby vessels if the operator of the unit chose to use them as a part of the evacuation. So it's a larger umbrella. It calls for a plan of which standby vessels can be a part, other evacuation procedures can also be a part.

Mr. COBLE. How many standby vessels would be needed to place one within six miles of each manned OCS facility, if you know?

Captain CARD. Our analysis, Congressman, I think shows for the 850-odd platforms, and about 180 to 200 or so drilling rigs, we'd need about 440 or 450. It's in our economic analysis to do that, to place them within six miles of all the offshore platforms, and offshore drill rigs.

Mr. COBLE. Four hundred and fifty vessels.

Thank you, Captain. No further questions, Mr. Chairman.

Mr. TAUZIN. Mr. Herger, would you like to address any questions?

Mr. HERGER. No thank you, Mr. Chairman.

Mr. TAUZIN. Thank you.

Finally, Captain Card, I would like, for the sake of the record, to read the particularly important communication received by Admiral Yost from the National Transportation Safety Board document, dated January 25th, 1988.

It reads:

Dear Admiral Yost, the National Transportation Safety Board has reviewed the Notice of Proposed Rulemaking, Emergency Evacuation Plan for Manned OCS Facilities (CGD 84-098b), and is generally in favor of the proposals contained therein. However, although the Safety Board is not opposed to an evacuation performance

standard, or to a site-specific evacuation plan per se, we cannot visualize a situation where a plan should not include a requirement for a properly designed, equipped, and manned standby vessel. The mobile offshore drilling units Ocean Express, Ocean Ranger, Glomar Java Sea, and Penrod 61 were all capable of providing for their own abandonment, but in each of these accidents primary lifesaving equipment was either damaged or failed in one manner or another. During both the Glomar Java Sea and the Penrod 61 accidents, helicopters were generally available for evacuation but could not fly because of the weather conditions. These accidents vividly demonstrate the need for standby vessels. Canada, Norway and the United Kingdom require standby vessels for MODU's operating on their outer continental shelves.

And it goes on, and gives more reasons why. And it's signed Jim Burnett, Chairman of the Transportation Safety Board. I would ask that this and other such, the other comments that have been received, all generally be made a part of this hearing as well as your own rulemaking procedure.

And without objection that is ordered.

[The letter to Admiral Yost can be found at end of hearing.]

Mr. TAUZIN. And Captain Card, I would again thank you for your comments and your testimony, and request again that we be satisfied in our request for written submissions, particularly on the issue of the standby vessel recommendations for MODU's that have been made by your own Board of Inquiry and the National Transportation Safety Board, and the analysis by which those recommendations were rejected.

Captain CARD. We'll certainly do that, Congressman.

Mr. TAUZIN. Any other questions by the members of the committee?

[No response.]

Mr. TAUZIN. We appreciate very much your testimony, Captain Card, and again, we want to always welcome you to our committee and appreciate your cooperation. Thank you.

Captain CARD. Thank you, sir.

Mr. TAUZIN. We'll now welcome to the hearing the second panel. And the second panel will be represented by two gentlemen, Mr. Mike Toups, president of the Propeller Club of the United States, Port of Lafourche, of Lockport, LA; and Mr. Dave Coppedge, manager of risk assessment for the Sun Oil Co. of Dallas, TX.

And perhaps we can start with whoever wants to start. Your prepared statements will be inserted immediately following your oral presentations.

We'll start with Mr. Mike Toups. Again if you'll summarize your testimony, Mr. Toups, and then we'll hear from Mr. Coppedge, and then we'll take questions from both of you.

## STATEMENT OF MIKE TOUPS, PRESIDENT, PROPELLER CLUB OF THE UNITED STATES, PORT OF LAFOURCHE, LOCKPORT, LA

Mr. TOUPS. Thank you, Congressman.

The Propeller Club of the United States, Port of Lafourche is a maritime organization located in south central Louisiana and consists of over 100 members vitally interested in these proposed rules for emergency evacuation procedures for manned facilities on the Outer Continental Shelf. As president, I would like to thank you, Congressman Tauzin, Congressman Coble, and Congressman Herger, for allowing me to present our position.

Late developing circumstances have forced me to alter my oral presentation substantially from my previously submitted written testimony, and I apologize for any inconveniences this may cause.

Too often we equate human lives with statistics and dollars signs, and that is just not right. Let us not forget that the safety of the offshore worker is what this issue is all about. The concept of an emergency evacuation plan, although long overdue, is a good one. Since this is a relatively new idea, no one single group of people can say what an EEP should consist of, what it should accomplish, or how to go about doing just that.

We strongly feel that performance standards for EEP's be established for Outer Continental Shelf Facilities, based on size, type and geographic location, and that this EEP be reviewed and approved by the Coast Guard, rather than only examined as presently proposed.

The proposed rules do not address when an evacuation is considered complete, nor does it define a designated point of safety. The present primary means of evacuation, helicopters and the vitally important issue of periodic drills are curiously absent also. These issues are pertinent to the EEP and should be incorporated as part of these rules.

In reducing these proposed rules to its most basic premise it seems that the Coast Guard is creating performance standards for standby vessels without specifying exactly what these vessels are expected to accomplish. The standby vessel, if used as part of this EEP must be certified to meet all the requirements of these rules. It seems most illogical that of all the means of emergency evacuation, such as rescue capsules, helicopters, rigid life floats, that the standby vessel is the only means that is specifically addressed as having to meet performance standards set by the Coast Guard.

The major area of our concern in these proposed regulations is section 143.401(b) which states,

> Standby vessels must be certified to carry all of the persons on the most populated OCS facility that the standby vessel is designated in the EEP to serve.

We feel this requirement is totally unacceptable. Utility and supply boats have been used successfully as standby vessels offshore for years, and a number of companies have evolved to concentrate on this element of the market. Great care should be taken not to eliminate these vessels from service. The oil companies like this type of vessel and have indicated they want them to continue in service.

We estimate that there are between 500 to 600 utility vessels in the 90 to 130-foot range and another 250 supply vessels of over 150 feet that would be adversely affected by these rules if promulgated as presently written. Although the percentage of an oil company's budget spent on utility, supply and standby vessels is very small, the increased costs in day rates caused by these requirements would force the oil companies to eliminate standby vessels and look to alternative, less expensive means of emergency evacuation. These alternative means of evacuation have been proven to be less efficient and more restricted in their capabilities than those benefits offered by a designated standby vessel. The offshore workers

must be afforded every possible assurance of safe and efficient evacuation no matter what the circumstances.

Many of our members fear that these rules, if passed as presently written, could mean the financial death of their companies. The type of vessel required by these proposed rules does not exist today. Literally, years of design, plan submittal and construction would be required before a vessel of this type would become a reality.

We are suggesting taking the same Coast Guard certified utility and/or supply boats that are presently in operation now and modifying them to meet the intended need. Both we and the oil industry are in accord with this request. To have a vessel certified to carry all of the people on the most populated OCS facility is impractical. One must remember that in the case of an emergency, these people should be classified as survivors in direct route to an onshore place of safety, not as a passenger. Already existing U.S. law allows for this emergency situation.

Another section of the proposed rules we take issue with is 143.405(a)(5). We disagree with the mandatory use of powered rescue boat. On vessels of less than 100 gross tons, which are subchapter T approved utility vessels, we feel these vessels are small enough, maneuverable enough and their decks are close enough to the water level that the vessel itself would serve as the rescue boat. In certain instances, such as retrieval of an injured or unconscious person, the already required rigid life raft with pointer attached to the standby boat would suffice. While there is no objection that they have a proven ability to remove injured or unconscious persons from the water, the use of a powered rescue boat is unnecessary and generally increases the hazards of operation in efforts to launch and recover the boat in a seaway. On vessels of over 100 gross tons, subchapter I and H, and this includes offshore supply vessels, the rescue boat as already mandated by existing law would suffice. These vessels are already equipped with approved launching davits and the crews are training in their operations. Currently required rescue boats, unself-propelled are not intended to leave the immediate area of the vessel and are merely ancillary boarding devices. Any change in the performance standard for their use should be through the regulatory process. Unpowered rescue boats should continue to be used as they have proven to be a successful, safe and useful means of facilitating the removal of persons from the water. We believe that the existing structure of lifesaving equipment should not be changed in wholesale for one element of the industry as is proposed by these rules. Some sort of consistency of effort should prevail for the entire maritime and offshore oil industry.

The financial ramifications of these proposed rules will not be felt in 6 years, 6 months, or 6 weeks. In the real world they have already been felt. Last week a local boat company was informed by an oil company that two of its standby vessels were being released. Although not the reason given, they felt that continued use of standby vessels may impact upon plaintiff cases because these vessels, as is, do not meet the requirements of these rules even though they are only proposed and not final.

Another new misconception by oil companies is that continued voluntary use of standby vessels now may somehow bind them to

required use when these rules become final. Although we concur that standby vessels should not be required at each OCS facility, we feel that the EEP should provide for 24 hour preplanned vessel support within a 30 minute emergency notification. Supply and production vessels, during their routine runs if equipped as per these modified rules, would automatically be classified as the facility's standby vessel. Again, type, size and geographic location of the OCS facility, combined with the amount of marine and helicopter traffic in the immediate area, would dictate the need, size and specific requirements of the standby vessel. Because of the obvious dangers involved in the transportation and operational procedures of mobile offshore drilling units, specially equipped standby vessels should be required at all time as part of their EEP.

In their review of the offshore casualties, the National Transportation Safety Board has recommended the Coast Guard consider a mandatory requirement for standby vessels.

We are in agreement with much of the other sections of the proposed regulations and feel that much forethought was incorporated in their formulation. Our detailed comments concerning these have already been forwarded to the Coast Guard. We appreciate Congress' interest and the Coast Guard's effort in this proposal and would like to take this opportunity to again offer our services to the Coast Guard in an effort to create an effective and reasonable regulatory package.

Thank you again for your time and consideration, and I'll be happy to answer any questions you may have.

[The prepared statement of Mr. Toups can be found at end of hearing.]

Mr. TAUZIN. Thank you, Mr. Toups.

Mr. Coppedge, would you give your testimony and then we'll go to questions?

Mr. Coppedge, again, is the manager of risk assessment for the Sun Oil Co., Dallas, TX.

## STATEMENT OF DAVE COPPEDGE, DIRECTOR OF RISK ASSESSMENT, SUN OIL CO., DALLAS, TX

Mr. COPPEDGE. Thank you, Mr. Chairman. Good afternoon, ladies and gentlemen. I am Dave Coppedge, and I'm director of risk management for Sun Exploration and Production Co. in Dallas, TX.

I also serve as chairman of the American Petroleum Institute's Production Safety Committee, and I am appearing today in behalf of API in that capacity.

We also appreciate the opportunity to present API's views on the Coast Guard's notice of proposed rulemaking, concerning Emergency Evacuation Plans for Manned Outer Continental Shelf Facilities.

In addition to my statement, I will also submit for the record, API's comments and the detailed comments of the Offshore Operators Committee's which were forwarded to the Coast Guard in February of 1988.

You may recall that in October of 1984, and in November of 1985, Mr. Lonnie Shivers of Arco, and Mr. Paul Schmidt with Conoco, presented testimony before this subcommittee on H.R.

6291, and H.R. 1748, both proposals dealing with offshore installation emergency evacuation.

API did not support H.R. 6291, nor did it support H.R. 1748. We do not believe that standby vessels at or in the immediate vicinity of each manned Outer Continental Shelf installation are necessary to assure OCS oil and gas operations in a safe manner.

API consistently maintains that the safety of personnel working at offshore water locations is of paramount concern. Our industry has devoted and continues to devote a great deal of attention, effort and resources to maintaining and improving the safety of offshore workers. Improved equipment is constantly being developed, evaluated, and installed on these facilities. Safer operating procedures and technology are being utilized and more training is being provided than ever before. For example, our industry has recently funded and construction is soon to commence, on a Marine Survival Training Center in conjunction with the University of Southwestern Louisiana in Lafayette. Safety in the offshore industry is a dynamic subject and we constantly work to improve personnel safety. These efforts will always include the provision of rapid, responsive, and effective evacuation systems for our offshore installations.

Manned OCS facilities are presently required to have planned station bills tailored to the facility and its activity, location, manning level, and equipment. Facilities are required to be equipped with adequate stairwells, ladders, landing platforms, and these are used for routine as well as emergency evacuation. Facilities may also have covered lifeboats, heliports, and in addition, life rafts, personal flotation devices, and ring buoys. These factors, all combined with the extensive number of platforms in the primary oil and gas areas in the Gulf of Mexico and offshore California, and the high level of marine traffic, helicopter traffic, and U.S. Coast Guard patrols, reduce the value of standby vessels at each location. However, this does not preclude the use of standby vessels in special circumstances where an operator determines such use to be appropriate.

Congress, in the Omnibus Reconciliation Act of 1986, required the Coast Guard to issue regulations relating to the evacuation of personnel on manned facilities, as we know.

In response, the Coast Guard published its Notice of Proposed Rulemaking last December, at 52 FR 48717. The proposal requires comprehensive site-specific contingency plans for the emergency evacuation of personnel from manned fixed facilities and mobile offshore drilling units operating on the U.S. Outer Continental Shelf. This proposal also establishes specific standards for standby vessels if they are identified as an integral part of the EEP. The intent is to provide facility personnel and those who assist facility personnel with procedures and equipment necessary for a safe and timely evacuation of an OCS facility during an emergency.

API supports the Coast Guard's position that evacuation of personnel from offshore facilities occurs under many different conditions and that evacuation measures using equipment other than standby vessels may be equal or more effective. We also concur with the Coast Guard's proposed approach for site-specific plans

that provide sufficient flexibility to employ the most effective means of evacuation of the manned facilities.

API's and DOC's written comments submitted in February, are attached to this written statement. We support the concept that each manned OCS facility should have a site-specific evacuation plan. However, our comments also address some of the specific requirements for standby vessel design, manning, and equipment which would not provide the flexibility needed to meet varying rescue situations. For example, rescue boats would be required for all standby vessels and operating areas. Standby vessels frequently have a low freeboard minimizing the advantage of a rescue boat. Standby vessels may also be of such a configuration that equipping such a vessel with a rescue boat would be impractical. The particular personnel recovery method specified for a standby vessel should be subject to approval by the Coast Guard as they approve the specific vessel for emergency standby service.

In addition, the detailed comments address the Coast Guard's certification of a standby vessel's passenger capacity versus its capacity to function as a vessel in an emergency evacuation or rescue operation. In particular, a standby vessel should not be required to provide seating capacity for all persons aboard during a facility emergency. That will be a temporary period of time. Such a requirement is extremely restrictive and we do not believe it serves any beneficial purpose in an emergency personnel rescue effort.

In summary, API endorses the Coast Guard's proposal to establish standards for standby vessels but to not require mandatory utilization of these vessels; and also to require operators to be responsible for establishing appropriate site-specific emergency evacuation plans and support facilities. Detailed comments in the attachments are intended to be constructive and supportive of the identified objectives of the Coast Guard's proposed rulemaking.

API further believes the proposed rules reflect the U.S. Coast Guard's authority and expertise in providing the most effective system for emergency evacuation regulations. The industry believes that a blanket requirement, whether for standby boats or any other type of evacuation system, could reduce safety and could stifle development of technology and equipment for improved emergency evacuations systems on manned OCS facilities.

This concludes my prepared testimony. We at API appreciate the opportunity to appear in this hearing and present this statement.

[The prepared statement of Mr. Coppedge can be found at end of hearing.]

Mr. TAUZIN. Mr. Coppedge and Mr. Toups, with your indulgence we're going to declare a short recess so that the members might go to the floor of the House. We've been summoned for a vote on, ironically, the abandoned Historic Shipwreck Act of 1988, Senate bill 858. So we're going to move to the floor and cast that ballot, and then we'll be back here. In about 10 to 15 minutes we'll convene the hearing again.

With that, the hearing is temporarily recessed.

[Recess.]

Mr. TAUZIN. The hearing will reconvene.

Mr. Toups, in essence, the proposals for this enhanced equipment on a so-called standby vessel, the requirements for seating capacity,

et cetera, have convinced at least this one company, perhaps others, that they'd better turn the vessels they have now loose, since they don't meet those requirements, and would not in fact be certified under the new rules. Is that what you're telling us?

Mr. TOUPS. Yeah. Well, like I said, I think they're worried that if a person would get hurt, and it would end up in a lawsuit, that the victim's attorney could say that this vessel did not meet the best and safest technology available, even though the rules are just proposed. And it's causing some unfounded fears amongst the oil companies.

Mr. TAUZIN. What's your estimate of the cost to build a vessel that would meet the proposed specifications in this rule? A ball park guess.

Mr. TOUPS. I would guess between $3 and $4 million apiece.

Mr. TAUZIN. The Coast Guard has estimated that modifying an existing certified offshore supply vessel to meet the proposed specifications would run between $45,000 and $67,000 per vessel. Is that estimate in your opinion, in the ball park? Is it too high, too low?

Mr. TOUPS. I would say excluding the section concerning the certification of carrying—of being certified to carry all the people on the most populated RSV, I would say that's a very close estimate.

Mr. TAUZIN. But the requirement for seating is one that these vessels couldn't meet anyhow, is that correct?

Mr. TOUPS. I think it would be physically impossible to seat an exorbitant amount of people on a standby boat and have it meet the requirements, the existing requirements for passenger seating as exists now.

Mr. TAUZIN. So your concern, then, is that if you can't convert these vessels even with the $45,000 to $67,000 cost per vessel, and at the same time meet the requirements for seating, that your only alternative is to build a whole new vessel at $3 to $4 million a vessel?

Mr. TOUPS. That's correct, sir.

Mr. TAUZIN. Has there been any indication that changes in the day rates for utility vessels would be required if in fact these new regulations went into effect?

Mr. TOUPS. That's hard to say without knowing what the final rules are going to be.

Mr. TAUZIN. Well, let's take it a step at a time. What's the average day rate today, for utility vessels now serving the OCS?

Mr. TOUPS. I would say it's in the neighborhood of $700 a day.

Mr. TAUZIN. Any idea what added costs of meeting the specifications would place upon day rates?

Mr. TOUPS. Again, the regulations as are, I would think it would be virtually impossible to meet the regulations with an existing type boat.

Mr. TAUZIN. So you'd have to go to a new vessel of $3 to $4 million, and what would that average per day rate be if you had to build this whole new vessel?

Mr. TOUPS. Oh, I would say that you would probably be looking at three to four times the present day rate of $700, which would put it in the $3,000 a day range.

Mr. TAUZIN. Three to four times?

Mr. TOUPS. Yes, sir.

Mr. TAUZIN. Is it your experience that other forms of evacuation, such as capsules and helicopters, have the capacity to rescue workers from the water, who have already had to go into the drink?

Mr. TOUPS. Enclosed capsules have been proven to be a definite access to safety, but they do have some definite drawbacks. No. 1 is that they do have a restrictive maneuverability in calm waters, much less to say in 6 to 8 foot seas, which is prevalent in the Gulf. They have very limited horsepower. They are fueled for a maximum of operation of about 6 hours. It is very, very difficult, to say the least, to retrieve a person in the water. In fact, it's virtually impossible to retrieve an injured or unconscious person from the water. And then once the people are inside this capsule, there are limited means of escape from the capsule to another point of safety.

Mr. TAUZIN. What about helicopters? Are helicopters generally equipped to rescue people from the water?

Mr. TOUPS. I would say excluding Coast Guard helicopters and maybe some other Service, Navy or Air Force helicopters, the majority of the helicopters used in support of the oil field industry is not equipped with hoists, nor trained personnel to remove people from the water.

Mr. TAUZIN. You represent a propeller club that includes companies and people that deal in servicing the offshore industry with vessels of all types. And I assume that you've been in this business for some time, Mr. Toups. Could you give us a quick summary of how many years you've had experience in this area?

Mr. TOUPS. About 15 years, sir.

Mr. TAUZIN. So you've been through a few hurricane seasons?

Mr. TOUPS. Definitely.

Mr. TAUZIN. And a few emergencies in the Gulf?

Mr. TOUPS. Yes, sir.

Mr. TAUZIN. Is it uncommon for workers to be in the water in emergencies?

Mr. TOUPS. It's all too common, and like you made reference to your relative, all you have to be in there once, and that's once too many.

Mr. TAUZIN. You testified that MODU's have special characteristics that probably would justify separate analysis as far as mandating the specialized safety boats. Could you elaborate just a little bit? What's so special about a MODU as opposed to a fixed drilling rig that might lead you to believe that standby vessels or safety vessels would be more appropriate for MODU's?

Mr. TOUPS. Well, again, if you look at the definition of a MODU, which is a mobile offshore drilling unit, you've got to realize that this unit is in fact mobile, which makes it less stable a work place as compared to a fixed offshore platform. When there are drilling operations going on, is the optimum time for either a blowout, a fire, or an explosion. Combined with the fact that during drill operations there are a very high number of transient construction workers onboard at the same time; people such as wild line units, mud service companies, maintenance people such as welders and blasters and painters. And all this work is being accomplished on an ongoing basis and it makes it very hard to coordinate the work,

and assure that the most optimum safety conditions occur at the same time.

Mr. TAUZIN. I make a point that was made at previous hearings. Many of these workers are mere industrial type workers. They're not sea trained or have no particular skills at vessels or surviving in sea, do they?

Mr. TOUPS. That's correct. These industrial workers come from all over the United States. Many of them don't even know how to swim, and many of them don't have an adequate respect for the powers of the sea.

Mr. TAUZIN. And you say that that happens more often on MODU's than on fixed platforms?

Mr. TOUPS. Well, it's a common occurrence—are you talking about the industrial workers?

Mr. TAUZIN. Yes.

Mr. TOUPS. It's a common occurrence throughout the Gulf. Yes, sir.

Mr. TAUZIN. The case of Penrod 61, I think it was, was that a MODU?

Mr. TOUPS. I'm not sure, sir.

Mr. TAUZIN. Counsel informs me, he believes it was. I think that's correct. In that case the MODU collapsed, the rig collapsed in the middle of the storm. Is that what you're referring to when you say they're less stable than a platform that's fixed and somehow rooted to the seabed?

Mr. TOUPS. Well, it's my understanding that a MODU is basically semifloating and it uses anchors to keep it on location, and in that respect it's more susceptible to waves and wind, and current.

Mr. TAUZIN. Jack-up rigs would also be considered MODUs, would they not?

Mr. TOUPS. Yes, sir. But jack-up rigs have a fixed footing on the ocean floor.

Mr. TAUZIN. As opposed to the kind that are simply anchored?

Mr. TOUPS. Correct. This would be basically like a drill ship.

Mr. TAUZIN. In regard to the activities on a MODU as opposed to a fixed platform, is it more likely the MODUs would be engaged in actual drilling operations, and construction operations as opposed to mere production operations?

Mr. TOUPS. Well, I think on MODU's you have more of an incidence of outside contractors coming on and doing work on it, whereas on platforms you basically have your maintenance people designated to do ongoing work.

Mr. TAUZIN. Mr. Coppedge, there seems to be a consensus among the offshore oil companies that MODU companies ought to be responsible for putting together the EEP for the MODU rather than the operators who lease them. Is that correct, and why?

Mr. COPPEDGE. Yes, sir, I believe that is correct. The reason for it is that the owner of the MODU in most cases had a hand in its design, its fabrication, they bought it, they paid for it, and it is their vessel operating under contract to us. We feel that they have the best idea of how to operate that vessel safely. We may or may not have personnel on board, and if we do there would be very few.

Mr. TAUZIN. There's also general agreement in the comments submitted by the oil companies that the EEP's should be kept at

the OCS facility for inspection upon request, rather than submitted to the Coast Guard. Is that because the industry views the EEP review by the Coast Guard as something less than vigorous?

Mr. COPPEDGE. I'm not sure where that idea comes from, Congressman. I think that having it on board for review, however, also keeps it in a place where the people who are going to have to live with it can be trained in its terms and be ready to put it into action when needed, as opposed to being a document that's sent somewhere and it resides somewhere else.

Mr. TAUZIN. It wouldn't be difficult to send a copy somewhere for——

Mr. COPPEDGE. No, sir.

Mr. TAUZIN [continuing]. Review and approval, and keep one at the facility nevertheless for the reasons you stated. Isn't that correct?

Mr. COPPEDGE. That's correct.

Mr. TAUZIN. In your testimony you said that API's opinion is that standby vessels, and I quote you "at or in the immediate vicinity of each manned OCS installation are not necessary."

Mr. COPPEDGE. Yes, sir.

Mr. TAUZIN. Is it your opinion that in some cases that standby vessels would not only be useful but perhaps even necessary?

Mr. COPPEDGE. I think that's an adequate statement, sir. We generally do use standby vessels depending upon the type of operation. If there is a concurrent operation going on a fixed platform, such as drilling or well servicing, it's not unusual at all to employ a standby boat in that case.

Mr. TAUZIN. In fact, it's rather common isn't it?

Mr. COPPEDGE. Yes, sir. It certainly is.

Another case would be maintenance and repair where sandblasting is going on, especially people working over the side.

Mr. TAUZIN. And the reason, of course, is that standby vessels are much better at picking people up out of the water, in case they should fall in, is that correct?

Mr. COPPEDGE. Yes, sir. But I have to qualify that statement. A lot of that's going to depend on the sea state and the velocity of the wind, and several other things.

Mr. TAUZIN. Sure.

In regard to that conclusion that kind of grew together here, that there's certain cases where the standby vessel is not only important but even perhaps necessary. What would happen in the proposed rules if the Coast Guard thought it was necessary, but you didn't in terms of the EEP that you submitted to the Coast Guard?

Mr. COPPEDGE. I suspect that we would wind up in somewhat the same position we do many times on a well program and how a well should be drilled and cased. And it winds up being subject to great discussion with the Bureau of Land Management or the MMS.

Mr. TAUZIN. Well, if I can make the point perhaps, my concern is that on the proposal as the Coast Guard has drafted it initially, you could literally say, look we've submitted our EEP, we don't believe a standby vessel is necessary, here's our plan, we appreciate you reviewing it, we appreciate your comments, but we feel satisfied and our attorneys feel satisfied that this is adequate under the circumstances. And if the Coast Guard had no authority to tell you

to change it, you literally would be within your rights, would you not under the rule, not to have a standby vessel operating?

Mr. COPPEDGE. Yes, sir. Phrased that way, and with the proposal as it is, that's correct. I won't say it would be very smart to do that, though.

Mr. TAUZIN. I understand smart. But we're dealing with a rule and a regulation.

Mr. COPPEDGE. Yes, sir.

Mr. TAUZIN. You also seemed to indicate that while API would object to standby vessels being required, at or in the immediate vicinity of each manned OCS installation—that was very carefully chosen words.

Mr. COPPEDGE. Yes, sir.

Mr. TAUZIN. That maybe there is room in the EEP's which might under a new rule even be approved by the Coast Guard, that there be requirements as part of the overall safety for offshore workers, for standby vessels, let's say at some time or distance call to rigs in a general cluster. Do you make room at all for that kind of logic or concept within your views of offshore safety?

Mr. COPPEDGE. Yes, sir. I think we could. The primary concern is for a platform, as many of them off Louisiana and Texas are, or California, relatively close to the shore. It doesn't seem to make sense to have standby vessels at each one of those. The farther out you go, the more isolated the platform, the circumstances would certainly change.

Mr. TAUZIN. That makes excellent logic.

So that the suggestion made by Mr. Toups of changes in the rules that would indeed facilitate such a conclusion, standby vessels would and could be required for clusters, or 30 minute response time, in areas or in circumstances where they make sense, is not again outside your concept of offshore safety?

Mr. COPPEDGE. I think that would deal with the issue of how site-specific we were trying to be. Yes, sir.

Mr. TAUZIN. Is there, in your own view, reason to look at the MODU and the fixed platform separately as Mr. Toups and the Boards of Inquiry, and the National Transportation Safety Board have seemed to indicate in their recommendations?

Mr. COPPEDGE. Yes, sir. I believe there is.

Mr. TAUZIN. Could you elaborate? Why?

Mr. COPPEDGE. Primarily because the MODU in a drilling mode is performing an operation which is probably the one that we fear the most in the offshore, and that's a fire or a blowout. That's not likely to happen on a fixed platform unless there's a concurrent operation going on, and in that case we would most likely have a standby vessel.

Mr. TAUZIN. I asked Captain Card, with the Coast Guard, if he could cite for me the improvements in these regulations over the current regulations. Would you care to try that? That's a tough one, I know.

Mr. COPPEDGE. Mike, you want to do that first? [Laughter.]

Mr. TAUZIN. Either one of you.

Mr. TOUPS. Well, I think that just recognizing that an EEP is required is a definite improvement. Recognizing that a standby vessel is definitely an asset in certain situations, just identifying that, is

an improvement. Some of the safety requirements on the standby boats that were brought up in the comments are definite improvements, and it's definitely needed. Items such as fire monitors, additional ring buoys, some type of approved method of getting an injured person out of the water onto the standby vessel, whether it be some type of a sling with a davit and a hoist, or whatever. I believe the Coast Guard has left that up to the option of the standby vessel itself. That is a definite improvement. Scramble nets along side of the boats, definitely a good idea. Lighting of the rescue area for nighttime operations is definitely an improvement.

Mr. TAUZIN. How about it, Mr. Coppedge, would you try it?

Mr. COPPEDGE. I would pick up on that by saying that certainly the requirement for an EEP tends to codify things that people are doing already, with station bills and certain requirements that happen within companies for each individual platform. And I would agree, as far as the vessels themselves are concerned, that you would take it out of, if you want to call it a vanilla category, and provide a little more equipment that could be very useful in lifesaving.

Mr. TAUZIN. Now in regard to that, you both indicate that some improvements in safety equipment on board the so-called auxiliary standby vessel would be a good idea. Do you, Mr. Coppedge, tend to agree with Mr. Toups that the very detailed and specific requirements in the current rule, lead to the conclusion that a whole new vessel would have to be created for the purposes of standby vessel use?

Mr. COPPEDGE. I would certainly agree and since Mr. Toups is from that particular part of the industry, I would lean toward and defer to his comments. I think my main agreement would be in the size section of it, if a vessel has to be certified to carry a number of people, then it is going to have to be bigger than anything we use.

Mr. TAUZIN. You have also heard early in my questions with Captain Card, with regard to the confusion in the industry between whether currently used supply and crew vessels which perform an auxiliary safety or standby role, could qualify, or whether or not these vessels have to be so specific as that these other vessels could not qualify, cannot have that traditional role as an auxiliary safety vessel, seemed to come from the comments. Do you concur that there is confusion out of these rules with regard that problem?

Mr. COPPEDGE. If this rule were put into effect as it is today then, clearly, some of the boats we use today would not match. That's exactly right.

Mr. TAUZIN. And Mr. Toups has given us at least one citation of a company that turned loose a couple of boats because of their concern that those vessels would not in fact meet these higher standards and concerns for insurance problems, even while these rules are merely proposed. Does that ring true with you? Is that the kind of things companies like yours would be concerned about?

Mr. COPPEDGE. I hate to speculate on how another person makes his decision. To my knowledge we have not done that.

Mr. TAUZIN. Okay.

In regard to your own company, is there a legal analysis ongoing right now that might lead to that conclusion?

Mr. COPPEDGE. Not to my knowledge.

Mr. TAUZIN. Not to your knowledge.

Mr. Toups has also given some cost analysis to us, although ball park in nature, of a $3 to $4 million vessel with day rates that would be three and four times the current day rate charges for auxiliary or standby vessels. Would your figures, or understanding of the day rates concur with that?

Mr. COPPEDGE. We have not made any calculations of that nature, but I have seen that number printed before in other comments concerning this particular issue. So I can't take exception with it.

Mr. TAUZIN. As a member and representative of the industry itself, do you believe that an active and offshore safety advisory committee is needed and should be in fact empaneled by the Coast Guard?

Mr. COPPEDGE. I suppose that I look at that like a lot of other advisory committees, as long as the right people are selected and their objectives are clear, I think they can be very helpful.

Mr. TAUZIN. To coin a TV phrase, good answer. [Laughter.]

Thank you very much, gentlemen.

Let me, perhaps in concluding the hearings, not only thank you both for some very, I think, frank discussion of our problems, and thank the Coast Guard for their not only testimony, but for attendance to hear the comments of these industry representatives in the area, and simple make the following observation.

One, as we began this series of hearings several years ago, we began it out of a concern for offshore safety. That remains our concern today. Two, when we began the hearings several years ago, we also were trying to focus the Coast Guard's attention to recommendations of its own Board of Inquiry, and the National Transportation Safety Board were continually making with regard to requiring standby vessels, at least in certain circumstances, MODU's being an example.

Since that time of those hearings, I have through the natural seniority process that occurs on the Hill, assumed this Chair. And in the process, we watched as the issue has evolved to a proposal that not only does not require standby vessels in the cases where they maybe should be required, but imposes such cost restrictions on a standby vessel that there is widespread belief capsuled in the comments we have read, that the offshore oil industry would be tempted to rely less upon standby vessels as a result of the proposed rules, than they did voluntarily before we began these hearings and this rulemaking process.

If that is the case, that's an awful and terrible result, and one I hope we can avoid. If, as Mr. Coppedge pointed out today, that the industry itself recognizes that there are circumstances and conditions in the Gulf of Mexico, and on the offshore development ridges around the Country, where standby vessels are not only useful, but even necessary, then it seems to me that a process which yields a result where companies might be less willing to employ them, as a result of the final rules, would not only be the worst kind of Alice-in-Wonderland result, that this member of Congress could ever imagine, having launched this process, but I think would be a result that enured to a weakening, not a strengthening, of the safety that we provide for offshore workers.

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As we were holding this hearing, I turned to Counsel, Mr. Willis, and asked him if he had any idea what this Government is spending today to try to prevent a reoccurrence of that awful incident when *Challenger*'s crew was lost in the last effort to launch a shuttle, and the expenses we are now going through to try to build in redundant safety feature for the future shuttles, even an escape capability for the shuttle. And while we didn't have the figures, we know it's pretty extensive.

Well, let me say something that I hope is taken in the right vein. The life and safety of every single worker in the Gulf of Mexico, whether a transient industrial worker, who comes on board a rig to do a little mechanical, electrical, or other type work, or someone committed, as so many men and women have been committed in their lives and occupation, to working in the offshore areas to develop this Nation's offshore resources, the lives and the health and safety of those individuals are just as precious to this Member of Congress—I hope to you—as the members who so valiantly serve as a part of NASA, and who themselves explore unknown and treacherous reaches of the human experience.

With all that said, I hope, gentlemen, that perhaps we could come to terms on this thing relatively soon. And perhaps we can see amendments to the rule which will take into account the common complaints I've heard from members of both the major oil and gas industry and those who supply services to it, and in the supply boat and standby vessel industry, and that those comments can yield some better results in the next set of rules. I'm very pleased, frankly, the Coast Guard has recognized that those comments have yielded up some inadequacies in the rules.

And that secondly, perhaps, in the rewrite and review of these rules, we can come to terms with the recommendations made by the Board of Inquiries, and the National Transportation Safety Board in a manner that will provide not only good guidance to the industry, and its insurers, but better safety for the men and women who work in the offshore.

I asked Secretary Burnley, yesterday when we were discussing this on the phone, if he might picture himself on an offshore platform as far out as 150 or 200 miles from shore, without a boat around anywhere, with the advent of an emergency on that rig, or perhaps a storm brewing in the Gulf of Mexico, and if he might not feel just a little better if the Coast Guard provided there be a vessel somewhere around that might pick him up and take him to a point of safety. I think the point was well made. Mr. Burnley not only acceded to this committee's request for time that we might debate this issue, but suggested that he and I and others of the industry and the Coast Guard might spend some time thinking and talking about this some more. For the sake of ending the confusion as rapidly as we can, I'm going to ask Secretary Burnley that we renew the process of discussion as rapidly as we can.

And to the extent that this hearing has helped enlighten both myself and I hope you, with this rule and its impact upon the industry and the safety of the people who work in it, I want to thank you for helping us come to a better understanding of the very complex nature of this issue today. And thank you for your indulging

this very long closing comment. With that, the meeting stands adjourned.

[Whereupon, at 4 p.m., the subcommittee was adjourned.]

[The following was submitted for the record:]

SUBCOMMITTEE ON THE PANAMA CANAL/OUTER CONTINENTAL SHELF

BACKGROUND MEMORANDUM
March 24, 1988

TO: Subcommittee Members and Staff

FM: PC/OCS Subcommittee Staff

RE: Coast Guard's Proposed Rules for Emergency Evacuation Plans for Manned OCS Facilities

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The Subcommittee has scheduled hearings for Tuesday, March 29 at 2:00 P.M.. to hear from witnesses concerning the Coast Guard's proposed rules for emergency evacuation plans for manned facilities on the outer continental shelf. The proposed rules were published in the Federal Register on December 24, 1987 at pages 48717 through 48725.

LEGISLATIVE HISTORY

During the 98th Congress and the 99th Congress, the Panama Canal/Outer Continental Shelf Subcommittee conducted hearings and sought comments on proposed legislation[1] concerning the use of standby vessels at manned OCS facilities. The hearings followed the sinking of several mobile offshore drilling units and, in 1985, the evacuation of manned offshore facilities during a hurricane emergency in the Gulf of Mexico, all of which resulted in the loss of human life.

In Section 5201 of the Omnibus Budget Reconciliation Act of 1986, the Congress directed the Coast Guard to "issue final regulations, to become effective before September 1, 1987, relating to the evacuation of personnel as provided for in the advance notice of proposed rulemaking regarding the revision of the regulations on Outer Continental Shelf activities [50 FR 9290 (1985)], published March 7, 1985." In addition, the Coast Guard was directed to "consider requiring standby vessels for the evacuation of personnel from manned installations on the Outer Continental Shelf."

ADMINISTRATIVE HISTORY

In 1985, the Coast Guard published an advance notice of proposed rulemaking regarding revisions of OCS regulations, which, among other items, specifically called for public comment on emergency

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1 -- H.R. 6291, introduced September 20, 1984 by U.S. Rep. Tauzin of Louisiana and H.R. 1748, introduced March 26, 1985 by U.S. Rep. Tauzin of Louisiana

evacuation plans, the use and effectiveness of standby vessels, and criteria to be applied to standby vessels. Both prior to and immediately after the advance notice of proposed rulemaking, the National Transportation Safety Board, in its investigations of the sinking of three mobile offshore drilling units( MODUs), recommended that the Coast Guard require standby vessels for MODUs.[2]

THE PROPOSED RULES

No Requirement To Use Standby Vessels

The Coast Guard decided against proposing a requirement for standby vessels at manned OCS facilities. It reasoned that "the high cost of providing a properly equipped and manned standby vessel at every manned OCS facility, or even within six miles of every manned OCS facility, is not always justified by the benefits."[3]

There was no indication that the Coast Guard separately considered the question of mandating the use of standby vessels at MODUs, as recommended by the National Transportation Safety Board. In comments filed in response the proposed rules, the NTSB said it "cannot visualize a situation where a plan should not include a requirement for a properly designed, equipped, and manned standby vessel.

Requirements for Standby Vessels, If Used

Although the proposed rules do not require the use of standby vessels, the rules do define "Standby Vessel" as one equipped and manned according to new criteria set out in the proposed rule. By defining "Standby Vessel," the Coast Guard has given a highly technical definition to a term commonly used in the offshore industry to describe offshore supply vessels and crew boats in their auxiliary role of standing by to transfer material and personnel between platforms or to render assistance in emergency situations. The new definition undermines and confuses the legitimate contribution offshore supply vessels and crew boats have made and should continue to make in improving the safety of workers on the OCS.

The equipment and manning standards for the newly defined "standby vessel," which the Coast Guard said are consistent with requirements of other nations[4] with active OCS facilities, would require some modification of most, if not all, offshore supply vessels and crew boats presently active in supplying and servicing OCS facilities in the U.S. It could effectively eliminate 40-foot to 65-foot vessels (which do not have desk space for the additional equipment required) from service altogether, according to offshore

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2 -- NTSB recommendations M-79-44, M-83-20, M-86-104.
3 -- Proposed Rules, 54 FR 247, at page 48719
4 -- In 1985, the Coast Guard testified that vessel requirements from Great Britain, Norway and Canada were looked to. All three nations mandate the use of standby vessels.

marine industry comments.

The Coast Guard estimates that the cost of equipping a certified offshore supply vessel or crew boat to comply with the proposed regulations would be between $47,000 and $64,000 and, with the additional manning requirements, would increase the cost of hiring such a vessel by more than $300 per day, a nearly 50% increase in current day rates.

The Emergency Evacuation Plan Requirements

Unlike the detailed and rigid requirements set forth in the rule for "standby vessels," the requirements for Emergency Evacuation Plans are general in nature. The proposed rule sets no minimum safety standards, either for equipment or personnel training, for OCS facilities; presumably, such minimum safety standards will be the subject of future rulemaking.

An EEP would have to be submitted within six months of a final rule being issued for all existing manned structures or within six months of beginning operations for new structures. In addition to being written in language operating personnel can understand and have a table of contents, index and a record of changes, an EEP would include: a) names, phone numbers and functions of people to be contacted and when contacted under an EEP; b) list of communications equipment, frequencies and communications schedules; c) the source of weather forecasting and the frequency and method of reporting weather to OCS facilities; d) the person with primary responsibility for implementing the EEP; e) designation of shoreside facilities and emergency advisory personnel; f) descriptions of circumstances and conditions where evacuation is recommended; g) means and procedures of evacuation to land or safe place; h) personnel, procedures and time required to secure a facility before evacuation; and i) the order in which personnel are to be evacuated and by what means.

The operator of a manned facility on the OCS is responsible for insuring the equipment and personnel specified in an EEP are available and capable of performing during an emergency evacuation.

In its commentary on the rule, the Coast Guard indicated that it would spend no more than $100.00 reviewing the EEPs.

Fixed Platforms and Mobile Offshore Drilling Units (MODUs)

As indicated earlier, the Coast Guard did not separately consider fixed platforms and MODUs, but instead focused on the more generic "OCS facilities." The failure to take into account fundamental structural and operational differences between fixed platforms and MODUs could seriously jeopardize the safety of offshore workers by confusing the chain of command in emergency situations aboard MODUs, according to oil industry comments.

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U.S. House of Representatives
Committee on
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Room 1334, Longworth House Office Building
Washington, DC 20515-6230

February 26, 1988

Commandant (G-CMC/)
CG Docket 84-0986
U.S. Coast Guard Head Quarters
Washington, D.C. 20593-0001

Dear Commandant:

I am extremely disappointed by the proposed rule published in the Federal Register on December 24, 1987, providing for an Emergency Evacuation Plan (EEP) for manned facilities on the outer continental shelf.

My initial disappointment was in the delayed date of the publication. Former Transportation Secretary Dole assured this Subcommittee in February, 1987 that the proposed rules would be published in April, 1987, with final rules going into effect by September 1, 1987, as required in the Omnibus Budget Reconciliation Act of 1986.

I am particularly disappointed by the content of the proposed rule. It fails to meet the intent of the Budget Reconciliation Act of 1986, and the intent of Congress expressed in its extensive hearings and legislative debate leading to the adoption of the statute.

I am greatly concerned that the EEP procedures and requirements seem to open the door to reduced offshore safety. Since there appears to be no requirement that the Coast Guard approve the EEP, the offshore industry could have as their form of rescue, inflatable lifeboats and oars. Obviously, in dire circumstances that would serve little purpose, yet there is no mechanism for the Coast Guard to reject such an EEP.

As was discussed during congressional hearings, any EEP should include a plan to evacuate personnel as well as transporting them to a point of safety. That "point of safety" as far as injured personnel are concerned can only be where medical attention can be rendered. For example, evacuation from a manned facility could very well be by escape capsule, or covered life boat, but an EEP must include specifics on how survivors are to be rescued from such an escape vehicle and

transported to land. Provisions must also be made for those unable top reach escape vehicles and who must resort to jumping overboard. The EEP should advise how these survivors would be rescued and transported to land.

Clearly, there are a host of variables -- different causes for evacuation, different weather conditions, different distances from shore -- and these variables must be addressed by the EEP. But more important, the Coast Guard must be able to reject those EEP's that are inadequate or incomplete.

The prevailing and spreading attitude that one form of evacuation and transportation is completely reliable is a threat to the safety of all offshore employees. The Coast Guard, in requiring emergency evacuation plans, takes the first step in overcoming the flawed perception, but unless there is a requirement for approval of am EEP, the offshore industry will not be prepared for all scenarios, Maximum safety can only be achieved with an approved EEP formulated to address the variables which and reasonably be expected in the offshore environment.

Equally disturbing is the fact that the Coast Guard's proposed rule, by increasing requirements on standby vessels, could make this proven form of rescue and transporting survivors more costly and , as a result, even less utilized than is currently the case. Specifically, the requirement that a standby vessel be "certificated to carry all persons on the most populated OCS facility that the standby vessel is designated in an EEP to serve," is unnecessary and overly burdensome.

As a matter of industry practice, vessels presently used as standby vessels are inspected and certificated, although that inspection is not required by law to respond to disasters at sea to rescue survivors. Requiring these vessels be certified to carry all persons on the most populated OCS facility basically calls for a vessel that presently does not exist, or would require mayor renovations to existing vessels presently fulfilling the same purpose without providing any added measure of safety. The cost of these renovations would surely force many useful, proven vessels out of the industry and many companies into bankruptcy -- again, without providing any added measure of safety.

The requirements for safety equipment of board such vessels are probably advisable. Yet, the proposed rule fails to justify how these requirements can be expected of one segment of the offshore transportation service industry while others -- helicopters, escape capsules, covered life boats, etc. -- do not face similar requirements.

The obvious result of the Coast Guard's proposed rule is to make standby vessels more costly and less frequent used by the offshore industry, and that is unacceptable to this subcommittee. Despite the delay in publishing these proposed rules, it appears the additional time was not well spent since the proposed rules, in my judgement, will result in decreased offshore safety.

It is the intention of the subcommittee conduct additional hearings on this matter and, if necessary to meet the original congressional intent, tc propose more specific legislative instructions for the Coast Guard on this subject area.

Sincerely,

Billy Tauzin

BILLY TAUZIN
Chairman
Subcommittee on the Panama
Canal and Outer Continental Shelf

BT:rc

BILLY TAUZIN
THIRD DISTRICT, LOUISIANA

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# Congress of the United States
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210 EAST MAIN STREET
NEW IBERIA, LA 70560

March 17, 1988

The Honorable Jim Burnley
Secretary, Department of Transportation
400 Seventh Street, S.W.
Washington, D.C. 20590

Dear Mr. Secretary:

This is to confirm our telephone discussion today concerning the Coast Guard's proposed rules (CGD 84-0986) for emergency evacuation plans for manned facilities on the Outer Continental Shelf.

Because of your strong interest in promoting the safety of offshore workers, I seek your assistance. The Subcommittee on the Panama Canal/Outer Continental Shelf and the Subcommittee on the Coast Guard and Navigation are planning hearings to examine closely the proposed rules for their impact on the offshore vessel industry and, more importantly, the potential for an inadvertent negative impact upon the safety of workers on offshore facilities.

The jurisdictional committees, however, are rightly focusing on the top priority -- deep cuts in the Coast Guard's overall budget and their affect on the operational integrity of the Coast Guard. In order that we may appropriately handle both these matters, I request that the proposed rules be held in abeyance.

Of course, if you require additional information, I stand ready to provide you with a detailed report on the concerns raised in our discussion today. Your interest and assistance are greatly appreciated.

Yours very truly,

Billy

BILLY TAUZIN
Chairman
Subcommittee on the Panama
Canal/Outer Continental Shelf

BT:rw

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Vol. 52 No. 247

# federal register

Thursday
December 24, 1987

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**List of Subjects in 16 CFR Part 500**

Packaging, Labeling, Trade practices.

Authority: The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* (1980).

By direction of the Commission.

Emily H. Rock,

*Secretary.*

[FR Doc. 87-29508 Filed 12-23-87; 8:45 am]

BILLING CODE 6750-01-M

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

### 33 CFR Part 117

[CGD8-87-14]

### Drawbridge Operation Regulations; Gulf Intracoastal Waterway, Louisiana

**AGENCY:** Coast Guard, DOT.

**ACTION:** Proposed rule.

**SUMMARY:** At the request of the St. Mary Parish Council and the Louisiana Department of Transportation and Development, the Coast Guard is considering a change to the regulation governing the operation of the swing span bridge on State Route 319 over the Gulf Intracoastal Waterway, mile 134.0 near Cypremort, St. Mary Parish, Louisiana, by permitting the draw to remain closed to navigation from 6:55 to 7:10 a.m. and 3:50 to 4:05 p.m. Monday through Friday, except holidays, from 15 August to 5 June. Presently the draw opens on signal. This proposal is being made to allow school buses to pass without delays because of bridge openings. This action should accommodate the needs of vehicular traffic and still provide for the reasonable needs of navigation.

**DATE:** Comments must be received on or before February 8, 1988.

**ADDRESS:** Comments should be mailed to Commander (ob), Eighth Coast Guard District, 500 Camp Street, New Orleans, Louisiana 70130-3396. The comments and other materials referenced in this notice will be available for inspection and copying in Room 1115 at this address. Normal office hours are between 8:00 a.m. and 3:30 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

**FOR FURTHER INFORMATION CONTACT:** John Wachter, Bridge Administration Branch, at the address given above, telephone (504) 589-2965.

**SUPPLEMENTARY INFORMATION:** Interested persons are invited to participate in this proposed rulemaking by submitting written views, comments, data or arguments. Persons submitting comments should include their names and addresses, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal. Persons desiring acknowledgment that their comments have been received should enclose a stamped, self-addressed postcard or envelope.

The Commander, Eighth Coast Guard District, will evaluate all communications received and determine a course of final action on this proposal. This proposed regulation may be changed in the light of comments received.

**Drafting Information**

The drafters of this notice are John Wachter, project officer, and Lieutenant Commander James Vallone, project attorney.

**Discussion of Proposed Regulation**

Vertical clearance of the bridge in the closed position is 4 feet above mean high water. Navigation through the bridge consists of all types of recreational traffic including outboard and inboard powered vessels, large and small, and sailing vessels of various sizes. Commercial traffic on the waterway includes considerable barge traffic transporting petroleum products, chemicals, cement, shells, manufactured industrial goods, and miscellaneous food products. A review of the bridge logs indicates that the bridge opens about once every two days on average during both the proposed 15-minute morning closure period and the proposed 15-minute afternoon closure period.

**Economic Assessment and Certification**

This proposed regulation is considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under the Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979).

The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnecessary. The basis for this conclusion is that the duration of the proposed closures is so minimal and would be in effect only during the school year, that vessels can easily schedule passages to avoid the proposed 15-minute closures. Since the economic impact of this proposal is expected to be minimal, the Coast Guard certifies that, if adopted, it will not have a significant economic impact on a substantial number of small entities.

**List of Subjects in 33 CFR Part 117**

Bridges.

Proposed Regulation

In consideration of the foregoing, the Coast Guard proposes to amend part 117 of Title 33, Code of Federal Regulations, as follows:

## PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for Part 117 continues to read as follows:

Authority: 33 U.S.C. 499; and 49 CFR 1.46 and 33 CFR 1.05-1(g).

2. Section 117.451 is amended by redesignating existing paragraph (d) as paragraph (e) and by adding a new paragraph (d) to read as follows:

**§ 117.451 Gulf Intracoastal Waterway.**

* * * * *

(d) The draw of the SR319 (Louisa) bridge across the Gulf Intracoastal Waterway, mile 134.0 near Cypremort, shall open on signal; except that, the draw need not be opened from 6:55 to 7:10 a.m. and from 3:50 to 4:05 p.m. Monday through Friday except holidays from 15 August to 5 June.

* * * * *

Peter J. Rots,

*Rear Admiral, U.S. Coast Guard Commander, Eighth Coast Guard District.*

Dated: December 3, 1987.

[FR Doc. 87-29516 Filed 12-23-87; 8:45 am]

BILLING CODE 4910-14-M

### 33 CFR Parts 140, 143, and 146

[CGD 84-098b]

### Emergency Evacuation Plan for Manned OCS Facilities

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard is proposing to issue regulations which would require a comprehensive, site specific contingency plan for the emergency evacuation of all personnel from manned fixed facilities and Mobile Offshore Drilling Units on the Outer Continental Shelf (OCS facilities). In

addition, although it is not the Coast Guard's intention to require the use of standby vessels, this proposal would establish specific standards for standby vessels if they are identified as an integral part of the evacuation plan. This proposal is a continuance of Coast Guard initiatives to require contingency planning for evacuation of personnel under emergency conditions, such as hurricanes, blowouts, and major fires. This proposal is also in response to recent legislation concerning evacuation procedures. The ultimate effect of this proposal would be to provide facility and emergency assistance personnel with the direction and equipment necessary for a timely and safe evacuation of the OCS facility in an emergency.

**DATES:** Comments must be received on or before January 25, 1988.

**ADDRESSES:** Comments may be mailed to Commandant (G-CMC/21) (CGD 84-098b), U.S. Coast Guard, 2100 Second St. SW., Washington, DC 20593-0001. Comments will be available for inspection or copying at the Office of the Marine Safety Council (G-CMC), Room 2110, at the above address, between the hours of 8 a.m. and 3 p.m., Monday through Friday, except holidays. The telephone number is (202) 267-1477.

**FOR FURTHER INFORMATION CONTACT:** LCDR Anthony Dupree, Offshore Activities Branch, (202) 267-2307.

**SUPPLEMENTARY INFORMATION:** Interested persons are invited to participate in this proposed rulemaking by submitting written comments, data, or arguments. Each comment should include the name and address of the person submitting the comment, reference the docket number (84-098b) and the specific section of the proposal to which each comment applies, and give the reason for the comment. Persons desiring acknowledgment that their comments have been received should enclose a stamped, addressed postcard or envelope.

All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

### Drafting Information

The principal persons involved in drafting this proposal are LCDR Alan J. Cross and LCDR Anthony Dupree, Jr., Project Managers, and Mr. Stephen H. Barber, Project Counsel, Office of Chief Counsel.

### Background and Objectives

In March 1985, the Coast Guard published an advance notice of proposed rulemaking (ANPRM) regarding revision of the regulations on Outer Continental Shelf Activities (CGD 84-098) (50 FR 9290). That ANPRM identified the Coast Guard's intent to extensively revise existing regulations to address new developments in the offshore industry, new legislation, interagency agreements, and recommendations received following casualties on the Outer Continental Shelf (OCS). Safe evacuation of personnel from manned fixed platforms and mobile offshore drilling units (both known as "OCS facilities" in Coast Guard OCS regulatory terminology) under emergency conditions was discussed in that ANPRM. That discussion included a request for public comment regarding an overall emergency evacuation plan. Comments were also requested regarding the use and effectiveness of standby vessels as part of an overall evacuation plan and the criteria to be applied to standby vessels if used. This proposal is intended to address that portion of the parent project (CGD 84-098) addressing emergency evacuation plans and standby vessels and has been identified as a separate docket (CGD 84-098b) to facilitate its early development and implementation.

Investigations of certain casualties involving mobile offshore drilling units (MODUs) and experience gained from recent evacuations of other OCS facilities have identified a need for increased awareness on the part of the facility personnel with respect to the procedures to be followed in the event of a personnel evacuation and the circumstances under which such an evacuation is necessary. Additionally, experience has shown that where equipment has been identified as part of an evacuation scheme, specifically standby vessels, that equipment should be adequately equipped to perform its intended function. These needs have been addressed in detail in the Coast Guard's investigation of the events surrounding the casualties involving the MODU OCEAN RANGER and the National Transportation Safety Board's investigations into the events surrounding the sinkings of the MODUs OCEAN EXPRESS, OCEAN RANGER, and PENROD 61.

More recently, the U.S. Congress, in section 5201 of the Omnibus Budget Reconciliation Act of 1986 (Pub. L. 99-509; October 21, 1986), expressed its concern for the safety of offshore workers during emergency conditions by requiring the U.S. Coast Guard—

(a) To "issue final regulations, to become effective before September 1, 1987, relating to the evacuation of personnel as provided for in the advance notice of proposed rulemaking regarding the revision of the regulations on Outer Continental Shelf activities (50 FR 9290 (1985)), published March 7, 1985;" and

(b) In preparing the evacuation regulations, to "consider requiring standby vessels for the evacuation of personnel from manned installations on the Outer Continental Shelf".

A "standby vessel", in the context of this legislation, is a vessel maintained on the OCS in the vicinity of manned platforms and MODUs and designed and equipped in a manner to render effective evacuation assistance in the event of an emergency onboard an OCS facility.

In response to this legislation and the recommendations contained in the investigation reports on the various casualties, the Coast Guard is proposing the following amendments in this notice:

(a) To require the operator to prepare a comprehensive Emergency Evacuation Plan or Plans for the complete evacuation of all personnel on OCS facilities subject to the operator's control and to submit a copy of the Plan or Plans to the Coast Guard for examination. "Operator" is defined in 33 CFR 140.10 (by referencing the Minerals Management Service's definition in 30 CFR 250.2(gg)) as the lessee, designated agent of the lessee, or holder of rights under an approved operating agreement.

(b) To establish inspection, equipment, and manning requirements for all standby vessels specifically identified as part of an Emergency Evacuation Plan.

Other matters relating to evacuation, such as lifesaving appliances and onboard means of escape, will be addressed under the parent project, "Revision of the Regulations on Outer Continental Shelf Activities" (CGD 84-098).

### Discussion of Comments to the ANPRM

The Coast Guard received 72 separate letters in response to the questions raised in the ANPRM on evacuation. One of the letters was reproduced 596 times by a maritime organization and the copies were signed and submitted by various individuals. Of these 72 letters, 42 (as well as the 596 form letters) supported the mandatory use of standby vessels covering all OCS facilities, 27 were opposed to making the use of

standby vessels mandatory, and three were uncommitted.

In general, the vast majority of the respondents, as well as Congress, recognize that standby vessels, properly equipped and manned, can be of significant benefit in the evacuation of personnel. The real area of concern is not whether standby vessels could be beneficial but whether they should be required to be located off each manned OCS facility or group of facilities. The National Transportation Safety Board (NTSB), in investigating the sinking of the MODUs OCEAN EXPRESS, OCEAN RANGER, and PENROD 61, recommended that the Coast Guard require standby vessels for MODUs (NTSB recommendations M-79-44, M-83-20, and M-86-104). Most of the comments received on the ANPRM suggested that the use of standby vessels be required not just for MODUs but for all manned platforms as well. They assert that standby vessels have proven to be a necessary supplement to rescue capsules, covered lifeboats, and other lifesaving equipment, particularly in the rough sea conditions common on the OCS. Thirty-nine comments stated that oil well blowouts are still too common on the OCS and that standby vessels are particularly effective in responding to these hazards.

On the other hand, 28 comments were opposed to requiring standby vessels. They stated that while standby vessels have been and continue to be used within the oil industry, the evacuation of personnel from offshore facilities occurs under many different conditions. The need for a vessel to augment the evacuation equipment otherwise provided is dependent upon a myriad of factors. These factors include, but are not limited to, onboard evacuation equipment, geographic location of the facility, anticipated environmental conditions, traffic density of support vessels and aircraft, distance from shore, and activity ongoing aboard the facility. Further, some comments stated that regulations requiring specific equipment, such as standby vessels, might degrade the overall safety of a facility by stifling the owner or operator of a facility from exploring the use of other equipment that might better serve a particular facility's needs. Other comments stated that the effectiveness of standby vessels has not been demonstrated. Further, some of the comments stated that the expense of providing a standby vessel at every manned facility engaged in OCS activities would not be justified by the commensurate gain in safety. One comment stated that the costs for standby vessels for Alaskan waters are expected to be much higher, approximately $3,000 per day, due to the need for larger, better equipped and manned vessels. Many of these comments urged the Coast Guard to consider evacuation plans that are performance oriented and allow flexibility in the type of equipment and methods used to effect evacuation.

A study of Coast Guard and Minerals Management Service casualty reports indicates that, between 1980 and 1986, there have been six deaths on MODUs located on the U.S. OCS and nine deaths on other OCS facilities attributable to conditions in which evacuation of the facility was prudent. Some of the deaths occurred onboard the facility and were due to the initial incident or to the fact that the persons decided to stay onboard the facility to control a well, for example, after the rest of the facility's personnel had been safely evacuated. This same study indicates that approximately one in 16,000 workers on MODUs and one in 22,000 workers on other OCS facilities died during situations in which evacuation of the facility was prudent. By comparison, a person in the U.S. has a risk of approximately one in 20,000 of being struck by an automobile. Although unconfirmed by the Coast Guard, the records maintained by the manufacturer of one type of covered lifeboat show that, from 1970 through 1986, his product alone has been responsible for saving 786 lives in the Gulf of Mexico in incidents where 13 people died (a 98.35% success ratio). The lifeboat manufacturer claims that all 13 deaths occurred during rescue/retrieval of survivors after a successful evacuation.

Although the Coast Guard does have a system to collect and analyze marine and offshore casualty data, that system is not designed to discriminate between the evacuation process and those events which may have led to the evacuation of those events following the evacuation, such as personnel retrieval. Further, the Coast Guard does not require that evacuations be reported, but only those incidents currently identified in 33 CFR 146.30. As a consequence, the Coast Guard's information is limited with respect to the number of facility evacuations that have occurred on the OCS, the number of personnel safely evacuated, the number of personnel injuries that occurred during the process of an evacuation, and the type of equipment used, or available but not used, during an evacuation. The Coast Guard, therefore, is specifically requesting information from the public regarding these issues.

In complying with the congressional directive contained in the Omnibus Budget Reconciliation Act mentioned earlier, the Coast Guard has considered requiring standby vessels for the evacuation of personnel from manned OCS facilities. The Coast Guard recognizes that there have been many incidents where vessels employed to stand by an OCS facility have rendered invaluable aid to personnel evacuating OCS facilities in an emergency. Further, the Coast Guard agrees that standby vessels could, in some cases, enhance the safety of some OCS facilities. However, the high cost of providing a properly equipped and manned standby vessel at every manned OCS facility, or even within six miles of every manned OCS facility, is not always justified by the benefits. The Coast Guard concurs with the comments stating that evacuations of personnel from offshore facilities occur under many different conditions. Therefore, the Coast Guard believes that evacuation measures using equipment other than standby vessels may prove to be equally effective and cost-efficient in many, if not most, emergency evacuation situations. This proposed approach would establish a performance standard and would provide sufficient flexibility so that the most effective means of evacuation could be employed.

The Coast Guard concurs with the respondents and Congress in that standby vessels should be properly equipped and manned. Therefore, the Coast Guard also proposes equipment and manning standards for vessels designated as standby vessels in the required evacuation plan. The proposed standards for standby vessels are based on the Coast Guard's experience with the U.S. offshore mineral and oil industry and the results of a review conducted by the Coast Guard of standards imposed by other countries with active OCS areas. The Coast Guard believes that the proposed standby vessel standards, albeit modified to accommodate the environmental conditions encountered on the U.S. OCS, are consistent with those standards applied by other countries to vessels in similar service.

## Discussion of Proposed Regulations

The proposed regulations would establish a requirement for operators with manned OCS facilities to develop an Emergency Evacuation Plan (EEP) for each facility and submit a copy of the EEP to the Coast Guard for examination. Further, these proposed regulations would establish standards for each

standby vessel, if any are specified in the EEP.

*Proposed section 140.10.* This proposal would amend the definitions section to include a definition of "standby vessel".

*Proposed Subpart E.* A new subpart, "Standby Vessels", would be added to 33 CFR Part 143, Design and Equipment.

*Proposed section 143.400.* This proposed new section states that Subpart E would apply to all vessels specified as standby vessels in an EEP required under §§ 146.140 or 146.210.

*Proposed section 143.401.* This new section would set forth the requirements that a vessel would hve to comply with in order to be designated as a standby vessel in an EEP.

*Proposed section 143.401(a).* This new paragraph proposes minimum inspection standards. Forty seven comments to the ANPRM urged that standby vessels be inspected and certificated. Therefore, this new paragraph proposes regulations that would require standby vessels to be inspected and certificated by the Coast Guard under the provisions of Subchapter T (Small Passenger Vessels), Subchapte H (Passenger Vessels), or Subchapter I (Cargo and Miscellaneous Vessels) of 46 CFR Chapter I.

*Proposed section 143.401(b).* This new paragraph would require that standby vessels be certificated to carry all of the persons on the most populated OCS facility that the standby vessel is designated in the EEP to serve. This provision would allow one standby vessel to serve more than one OCS facility.

*Proposed section 143.403.* This is a new section that would require standby vessels to be highly maneuverable. Standby vessels can be expected to be called to maneuver close to facilities and survivors in heavy seas and strong currents. Therefore, the Coast Guard believes that a standby vessel must be highly maneuverable in order to provide for the safety of the standby vessel itself and the survivors being rescued from the water.

*Proposed section 143.405.* This new section specifies additional equipment required for standby vessels. Further, the installation of this equipment would be approved by the Coast Guard.

*Proposed section 143.405(a).* This new paragraph specifies the equipment that would be required in addition to the equipment required by the vessel's certificate of inspection.

*Proposed section 143.405(a)(1).* This new paragraph would require that standby vessels be equipped with a minimum of two screws or other propulsion devices. The requirement is proposed to further ensure the maneuverability of a standby vessel.

*Proposed section 143.405(a)(2).* During a night time rescue operation, it is imperative that sufficient illumination be provided. Therefore, that new paragraph would require that standby vessels be equipped with two searchlights. Most certificated vessels employed in the offshore oil industry are already equipped with two searchlights.

*Proposed section 143.405(a) (3) and (4).* A line throwing apparatus is considered to be a necessity in many rescue situations. These new paragraphs would require a line throwing appliance.

*Proposed section 143.405(a)(5).* Forty nine comments (as well as the 596 form letters) stated that standby vessels should be equipped with either a rescue platform, a rescue boat, or an inflatable liferaft for retrieving persons from the water. Of the three, only the rescue boat is specifically designed to assist in retrieving people from the water in other than the most favorable conditions. Therefore, this new paragraph would require a powered rescue boat and would specify some design and equipment criteria for the rescue boat. Currently, the Coast Guard is developing a Notice of Proposed Rulemaking (NPRM) entitled "Lifeboats and Rescue Boats", which will revise the standards for life boats and rescue boats. Most rescue boats currently available on the international market meet the standards of SOLAS 74 as amended by SOLAS 83. Rescue boats are approved by the Coast Guard as meeting the standards of SOLAS 74 as amended by SOLAS 83 will be acceptable.

*Proposed § 143.405(a)(6)* . Forty one comments suggested that standby vessels be equipped with a Stokes litter. This recommendation has been incorporated into this proposed paragraph.

*Proposed § 143.405(a)(7)* . Forty one comments (as well as the 596 form letters) recommended that standby vessels be equipped with blankets for the survivors to help treat or avoid hypothermia. Although hypothermia is usually associated with water temperatures below 60 ° F, it can occur at higher temperatures. Further, persons recovered from water need not remove wet clothing as soon as possible in order to prevent further body cooling. This proposed paragraph would require a standby vessel to carry a blanket for each person it is certificaed to carry.

*Proposed § 143.405(a)(8)* . Comments were received suggesting different requirements for getting injured persons from the water. The suggestions specify various devices, such as special retrieval nets and cranes equipped with baskets. Rather than specify particular devices, this proposed paragraph would require that standby vessels have some means of retrieving injured and helpless persons from the water.

*Proposed § 143.405(a)(9)* . This proposed paragraph would require a scramble net that can be rigged on either side of the standby vessel. Some comments recommended that a boarding net be rigged on both sides of the standby vessel. Others recommended that the standby vessel be capable of rescue and assistance. The Coast Guard agrees with the concept of scramble or boarding nets. However, the Coast Guard believes that having nets on both sides at one time is not necessary. A net on only one side of the standby vessel will allow the master of the standby vessel sufficient maneuvering room to protect the vessel and persons in the water.

*Proposed § 143.405(a)(10)* . One comment suggested that additional ring life buoys be provided. Other comments suggested that additional lifesaving equipment be provided. The Coast Guard agrees that, in some cases, additional ring life buoys are needed. This proposed paragraph would require a minimum of four approved ring life buoys equipped with 15 fathoms of line. Operators of vessels that meet this proposed criteria with their standard lifesaving equipment would not have to put additional ring life buoys on board.

*Proposed § 143.405(a)(11)* . One comment recommended personal protective gear for the standby vessel crew. Because the Coast Guard anticipates that the entire crew of a standby vessel will be on deck at some time to assist the survivors, the crew will be exposed to a greater risk of being washed or falling overboard. The members of the rescue boat crew will be exposed to an even greater risk. Immersion suits approved under 46 CFR160.071, while cumbersome, would provide the crew of the standby vessel, including the rescue crews, protection against hypothermia and drowning. Additionally, buoyant suits approved under 46 CFR 160.053 and meeting ANSI/UL–1123–1987, while providing only short term protection against hypothermia, are designed as a working garment and would allow greater freedom of movement than immersion suits. Therefore, the proposed paragraph would require that Coast Guard approved immersion suits or buoyant suits be provided for the crew of a standby vessel.

*Proposed § 143.405(a)(12)* . This paragraph would require two boat hooks to assist the crew of the standby vessel in retrieving survivors from the water.

*Proposed § 143.405(a)(13)*. This paragraph would require a fire monitor with a minimum flow rate of 600 GPM that is capable of discharging an effective stream. The Coast Guard agrees with the 40 comments (as well as the 596 form letters) recommending that standby vessels be equipped with a fire monitor. While the comments recommended that a fire monitor be optional, the Coast Guard feels that it should be mandatory. Fire monitors can be used to protect persons on the facility while they are being evacuated and to divert floating debris and burning oil from survivors in the water.

*Proposed § 143.405(a)(14)*. This paragraph would require that a standby vessel have a radio or radios capable of communicating with the facility being protected, shore bases, rescue boats, and rescue aircraft. The 596 form letters recommended that standby vessels be equipped to communicate with the facility. Other comments recommended that the standby vessel be able to communicate with the facility and the shore bases and have two means of communication or a radio. The Coast Guard agrees that the standby vessel should have at least one two-way radio capable of communicating with the facility and the shore base. Additionally, the Coast Guard believes that the standby vessel should have the capability to communicate by radio with its rescue boat and rescue aircraft.

*Proposed § 143.405(a)(15)*. One comment addressed the need to illuminate the water in way of the boarding areas and rescue boat launching area. The Coast Guard concurs with the need to provide illumination in these areas. The night time recovery of survivors from the water requires that survivors see the boarding nets and other boarding aids. Similarly, the crew of the standby vessel needs to be able to see the survivors.

*Proposed § 143.405(a)(16)*. This paragraph would require the standby vessel to have on board the latest edition of the Department of Health and Human Services publication entitled "The Ship's Medicine Chest and Medical Aid at Sea." This publication is a reference book for the initial treatment of survivors. It also makes recommendations as to the medical supplies and equipment to be maintained on board vessels. Sections dealing with hypothermia, burns, and transportation of victims by helicopter would be helpful to pesons providing first aid to the survivors.

*Proposed § 143.405(a)(17)*. Forty six comments (as well as the 596 form letters) recommended that standby vessels have first aid kits on board. One of the comments recommended that the first aid kit be sized for 50 persons, and 40 comments recommended that the first aid kit be sized for either 10 or 20 persons. This proposed paragraph would require the standby vessel to have an industrial first aid kit on board sized for 50 percent of the persons that the standby vessel is certificated to carry.

*Proposed § 143.405(b)*. This paragraph would require all the equipment required by proposed § 143.405 to be installed to the satisfaction of the Officer in Charge, Marine Inspection. This would entail inspections by a Coast Guard marine inspector to ensure compliance with the applicable subchapters of 46 CFR Chapter I.

*Proposed § 143.407*. Forty two comments suggested that standby vessels could be adequately manned by a three person crew. Three comments suggested that no additional crew is needed and one comment suggested that a minimum of six persons would be needed to adequately crew a standby vessel. This proposal would authorize the Officer in Charge, Marine Inspection, to require that the crew required under the standby vessel's certificate of inspection be augmented by additional persons as needed to provide lookouts, retrieve and crew the rescue boat, care for survivors, and deploy the retrieval equipment. Small passenger vessels (crew boats) probably would need extra persons, while large offshore supply vessels (OSVs) might not. All additional crewmembers would have to be authorized by the vessel's certificate of inspection.

*Proposed § 146.140*. This section concerns the EEP and applies to manned OCS facilities other than MODUs. These same requirements would be applicable to MODUs under proposed § 146.210.

*Proposed § 146.140(a)*. This proposed paragraph would require each manned OCS facility to have on board an EEP that has been examined by the Coast Guard. The proposed EEP requirements would allow industry to adequately address the methods for evacuating personnel during an emergency situation yet allow sufficient flexibility for operators to utilize the methods they judge to be most effective for a particular facility.

*Proposed § 146.140(b)*. This proposed paragraph would require operators to submit the EEPs to the Officer in Charge, Marine Inspection (OCMI) for examination before placing the facility in operation. The OCMI will examine the EEP to ensure that it addresses all of the items contained in proposed § 146.140(d). It includes a provision that would allow operators of facilities existing on the effective date of the final rule to take up to 180 days after that date to submit the EEP.

*Proposed § 146.140(c)*. This proposed paragraph would require that the EEP be resubmitted for examination when substantive changes are made. Examples of substantive changes are the installation of a platform drilling unit onboard or a change from helicopters to a standby vessel as the primary means of evacuation. Changes considered nonsubstantive and not requiring resubmittal of the EEP would include a change in the name or telephone number of a contact person.

*Proposed § 146.140(d)*. This proposed paragraph lists the items that the EEP must contain. The Coast Guard's experience with MODU operating manuals has shown that the manuals often are written in highly technical language which can be difficult for the operating personnel to understand. Proposed paragraph (d)(1) would require that the EEP be written in language that is easily understood by the facility's operating personnel. The required securement and abandonment plans should set forth the order in which personnel will be evacuated, identify the transportation resources to be used in the evacuation, and include time and distance factors for the initiation of the evacuation. These proposed requirements are aimed at reducing confusion during emergency situations by clarifying the responsibilities of personnel on the facility and at the support base. Additionally, they would provide facility personnel with a ready source of information on weather, recommended actions and timetables, and available transportation.

*Proposed § 146.140(e)*. This proposed section would require the operator to ensure that all equipment specified in the EEP is made available and located as indicated in the EEP. Further, the operator shall ensure that the equipment is properly maintained and is actually capable of performing its function during an emergency evacuation. Also, this proposed paragraph would require the operator to ensure that personnel specified in the EEP are available and located as called for in the EEP and are trained in fulfilling their roles under the EEP.

*Proposed § 146.140(f)*. This proposed section would require a complete copy of the EEP be made available to the facility's operating personnel and that every person newly reporting aboard a facility be given a brief written summary of the facility's EEP.

*Proposed § 146.140(g)*. The investigation of the capsizing and sinking of the OCEAN RANGER and the

PENROD 61 indicated that, in an emergency situation, a break in the functional chain of command can create extensive confusion. In an effort to ensure that all parties with responsibilities and authorities under the EEP are informed as to what those responsibilities and authorities are, this proposed paragraph states that the EEP must detail the responsibilities and authorities of the various parties and that a copy must be provided to each party.

*Proposed § 146.210.* This new section would require operators employing a MODU in OCS activities to provide an EEP for the MODU. EEPs for MODUs would be the same as for other manned OCS facilities. Operators employing MODUs in OCS activities on the date these rules become effective would be allowed 180 days from that date for the submission of the EEP covering those MODUs.

Information required by these proposed regulations which is already contained in the MODU's operating manual required by 46 CFR 109.121 may be incorporated or referenced in order to prevent duplication of effort.

**Incorporation by Reference**

This proposal would add a new item to § 140.7, which lists materials incorporated by reference. The International Convention for the Safety of Life at Sea (SOLAS) in § 143.405(a)(5) and ANSI/UL–1123–1987 in § 143.405(a)(11) are proposed for incorporation by reference in those sections respectively. Copies of this material are available for inspection at U.S. Coast Guard Headquarters, Room 1216, 2100 Second Street, SW., Washington, DC 20593–0001. Copies of the material may be obtained at the address listed in proposed § 140.7(b).

Before the final rule is published, the Coast Guard will submit this material to the Director of the Federal Register for approval of the incorporation by reference.

**E.O. 12291 and DOT Regulatory Policies and Procedures**

The parent proposed regulations, entitled "Revision of Regulations for Outer Continental Shelf Activities" (CGD 84–098), are considered to be non-major under Executive Order 12291 but significant under DOT regulatory policies and procedures (44 FR 11034; February 26, 1979). This extracted portion, entitled "Emergency Evacuation Plan for Manned OCS Facilities" (CGD 84–098b), is considered to be non-major and non-significant under the same Executive Order and DOT policies. A draft regulatory evaluation has been prepared and placed in the rulemaking docket. It may be inspected or copied at the Office of the Marine Safety Council, Room 2110, U.S. Coast Guard Headquarters, 2100 Second St., SW., Washington, DC, (202) 267–1477, from 8 a.m. to 3 p.m. Copies may also be obtained by contacting that office.

The cost of preparing an EEP may vary due to the varying complexity of the manned facilities operating on the OCS and the experience of the preparer in drafting emergency evacuation plans. Much of the required information is already available and is customarily provided to operating personnel; however, some information not previously required must be compiled.

The cost of preparing an EEP which meets the proposed requirements is estimated to be between $500 and $800 per facility. The total initial cost to the industry for providing an EEP for each manned facility, including MODUs, is estimated to be between $486,500 and $778,400. The total cost to the Coast Guard for the examination of the EEP is estimated to be $100 per plan. Comments are solicited on the costs of preparing EEPs for facilities and the cost of updating an EEP each time MODUs change their location.

The cost of equipping a certificated offshore supply vessel or crew boat to comply with the proposed standby vessel requirements is estimated to be between $47,000 and $64,000. The Coast Guard has no basis for estimating how many standby vessels, if any, might be employed. For the purpose of evaluating this proposal, we have assumed that up to 30 standby vessels may be employed. Based on these assumptions, the total initial cost to the support vessel industry to outfit certified vessels as standby vessels is estimated to be between $1.41M and $2.01M. Further, the total cost to the owners, operators and leaseholders employing these 30 standby vessels is estimated to be between $9.78M and $10.47M per year. Comments are solicited on the costs of equipping a certificated vessel as a standby vessel and on the anticipated use of standby vessels.

Recent regulations (52 FR 6974; March 6, 1987) resulting from MODU sinkings in which 165 lives were lost require that MODU operating manuals provide information for use in emergency situations. EEPs may incorporate certain portions of the operating manual (46 CFR 109.121) to avoid unnecessary duplication and cut preparation costs.

The primary objective of this proposal is to address evacuation planning for fixed facilities as well as MODUs, thereby enhancing the safety of life and property on the OCS. It is, however, difficult, if not impossible, to quantify the benefits of the proposed regulations because of the unpredictable occurrence and limitless variety of emergency situations in which EEPs would be of assistance. Though the EEPs would not replace well trained personnel, they can be of significant benefit. Using the minimally accepted value of a human life of $1,000,000, the saving of a few lives each year would make the preparation of the evacuation plans cost beneficial.

**Regulatory Flexibility Act**

Under the Regulatory Flexibility Act (5 U.S.C. 601 through 612), the Coast Guard must consider whether the rule it is proposing is likely to have significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses which are not dominant in their field and which would otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632). These regulations would affect owners and operators of manned OCS facilities and the owners, builders, and suppliers of standby vessels. Because of the extremely high costs of these manned facilities, their owners and operators tend to be major corporations. However, it is likely that at least some of the companies opting to enter the standby vessel business may be considered small entities. An estimate for outfitting a typical certificated vessel as a standby vessel is between $47,000 and $64,000, or less than 6% of the cost of the vessel. Because the usage of standby vessels is voluntary, we have no basis for estimating how many standby vessels, if any, might be employed. For the purposes of evaluating the proposed rule, we have assumed that a total of 30 standby vessels would be employed, which represent less than 5% of the U.S. fleet of offshore supply vessels. Based on these assumptions, the total initial cost to the support vessel industry to outfit certificated vessels as standby vessels would be between $1.41M and $2.01M. Further, we estimate that the day rate for a standby vessel outfitted according to the proposed rules would have to increase by approximately $307 a day over the day rate of the same vessel without standby vessel equipment in order to cover the added expenses.

For the above reasons, the Coast Guard certifies that this proposal will not have a significant economic impact on a substantial number of small entities. If, however, you feel that your business may qualify as a small entity

and that the proposed rules would have a significant economic impact on the business, please notify the Coast Guard (see **ADDRESSES**) and explain why you feel your business qualifies and in what way and to what degree the proposed regulations would economically affect your business. Cost data submitted in response to the above will be evaluated thoroughly before final rules are issued.

**Paperwork Reduction Act**

This proposed rulemaking contains information collection requirements in §§ 146.140 and 146.210. They have been submitted to the Office of Management and Budget (OMB) for approval under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). Persons desiring to comment on these information collection requirements should submit their comments to: Office of Regulatory Policy, Office of Management and Budget, 726 Jackson Place, NW., Washington, DC 20503, ATTN: Desk Officer, U.S. Coast Guard. Persons submitting comments to OMB are also requested to submit a copy of their comments to the Coast Guard as indicated under "**ADDRESSES**".

**Environmental Assessment**

The Coast Guard has considered the environmental impact of the regulations and concluded that preparation of an environmental impact statement is not necessary. The proposed amendments concern the development of emergency evacuation plans and the equipping of standby vessels for emergency assistance and would have no effect on the environment.

They do not affect the prevention, control, or protective systems installed on the facility to prevent damage to the environment. Therefore, an environmental assessment with a finding of no significant impact has been prepared and is on file in the rulemaking docket.

**List of Subjects**

*33 CFR Part 140*

Administrative practice and procedure, Authority delegation, Continental shelf, Incorporation by reference, Law enforcement, Marine safety, Reporting and recordkeeping requirements.

*33 CFR Part 143*

Continental shelf, Marine safety.

*33 CFR Part 146*

Continental shelf, Marine safety, Reporting requirements.

For the reasons set out in the preamble, Parts 140, 143, and 146 of Title 33 of the Code of Federal Regulations are proposed to be amended as follows:

## PART 140—GENERAL

1. The authority citation for Part 140 is revised to read as follows:

**Authority:** 43 U.S.C. 1333(d)(1), 1348(c), 1356; 49 CFR 1.46.

2. Section 140.7 is revised to read as follows:

**§ 140.7 Incorporated by reference.**

(a) In this subchapter, portions of the entire text of certain standards and specifications are incorporated by reference as the governing requirements for materials, equipment, tests, or procedures to be followed. These standards and specification requirements specifically referred to in this subchapter are the governing requirements for the subject matters covered, unless specifically limited, modified, or replaced by the regulations.

(b) These materials are incorporated by reference into this subchapter under 5 U.S.C. 552(a) with the approval of the Director of the Federal Register. The Office of the Federal Register publishes a table, "Material Approved for Incorporation by Reference," which appears in the Finding Aids section of this volume. In that table is found citations to the particular sections of this part where the material is incorporated. To enforce any edition other than the one listed in paragraph (c) of this section, notice of the change must be published in the **Federal Register** and the material made available. All approved material is on file at the Office of the Federal Register Information Center, Room 8301, 1100 L Street NW., Washington, DC 20408 and at U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593–0001. Copies may be obtained from the sources indicated in paragraph (c) of this section.

(c) The materials approved for incorporation by reference in this subchapter are:

American National Standards Institute (ANSI), 1430 Broadway, New York, NY 10018.

ANSI A10.14–1975–Requirements for Safety Belts, Harnesses, Lanyards, Lifelines, and Drop Lines for Construction and Industrial Use.

ANSI/UL–1123–1987–Standards for Marine Buoyant Devices.

ANSI Z41–1983–American National Standard for Personal Protection-Protective Footwear.

ANSI Z87.1–1979–Practice for Occupational and Educational Eye and Face Protection.

ANSI Z88.2–1980–Practices for Respiratory Protection.

ANSI Z89.1–1981–Safety Requirements for Industrial Head Protection.

International Maritime Organization (IMO)

IMO Sales, New York Nautical Instrument and Service Corp., 140 W. Broadway, New York, NY 10013.

International Convention for the Safety of Life at Sea—Consolidated Text of the 1974 SOLAS Convention, the 1978 SOLAS Protocol, the 1981 and 1983 SOLAS Amendments, 1986.

IMO Assembly Resolution A.414 (XI)–Code for Construction and Equipment of Mobile Offshore Drilling Units.

3. In § 140.10, a new term is added in alphabetical order to read as follows:

**§ 140.10 Definitions.**

* * * * *

"Standby vessel" means a vessel meeting the requirements of Part 143 of this chapter and intended for positioning near a manned OCS facility to provide rapid evacuation assistance in the event of an emergency.

* * * * *

## PART 143—DESIGN AND EQUIPMENT

4. The authority citation for Part 143 is revised to read as follows:

**Authority:** 43 U.S.C. 1333(d)(1), 1348(c), 1356; 49 CFR 1.46.

5. A new Subpart E is added to read as follows:

* * * * *

**Subpart E—Standby Vessels**

Sec.

143.400 Applicability.
143.401 Vessel inspection and certification.
143.403 Maneuverability.
143.405 Equipment.
143.407 Manning.

**Subpart E—Standby Vessels**

**§ 143.400 Applicability.**

This subpart applies only to standby vessels specified in an Emergency Evacuation Plan (EEP) required by §§ 146.140 or 146.210 of this chapter.

**§ 143.401 Vessel inspection and certification.**

Standby vessels must—

(a) Have a valid certificate of inspection under Subchapters H, I, or T of 46 CFR Chapter I; and

(b) Be certificated to carry all of the persons on the most populated OCS

facility that the standby vessel is designated in the EEP to serve.

**§ 143.403 Maneuverability.**

Standby vessels must be highly maneuverable in order to facilitate the removal of persons from the water.

**§ 143.405 Equipment.**

(a) Standby vessels must have the following equipment:

(1) Multiple propellers or propulsion devices.

(2) Two searchlights.

(3) For vessels certificated under Subchapter H of 46 CFR Chapter I, a line throwing appliance that meets the requirements in 46 CFR 75.45.

(4) For vessels certificated under Subchapters I or T of 46 CFR Chapter I, a line throwing appliance that meets the requirements of 46 CFR 94.45.

(5) A self-propelled rescue boat of rigid or inflatable construction or combination of both, capable of carrying at least nine persons including a two person crew. The rescue boat and its launching device must be approved by the Coast Guard and the rescue boat must meet the requirements of regulation 47 of the Annex to the International Convention for Safety of Life at Sea (1974 SOLAS), as amended. The rescue boat must be equipped with a two-way radio capable of voice communication with the standby vessel and the OCS facility.

(6) A Stokes or comperable litter.

(7) One blanket for each person that the standby vessel is certificated to carry.

(8) A means of retrieving injured or helpless persons from the water.

(9) A scramble net that can be rigged on either side of the standby vessel.

(10) A minimum of four Coast Guard approved ring life buoys, each equipped with 15 fathoms of line.

(11) An immersion suit that is approved by the Coast Guard under 46 CFR 160.171 or a buoyant suit meeting Supplement A of ANSI/UL–1123–1987 and approved under 46 CFR 160.053 for each member of the standby vessel's crew.

(12) Two boat hooks.

(13) A fire monitor with a minimum flow rate of 600 gallons per minute.

(14) One or more two-way radios capable of voice communications with the OCS facility, rescue boat, and shore side support personnel.

(15) Floodlights to illuminate the rescue boat launching area, the scramble net when deployed, and the water around the rescue boat launching and scramble net deployment areas.

(16) A copy of "The Ship's Medicine Chest and Medical Aid at Sea", DHHS Publication No. (PHS) 84–2024, available from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

(17) An industrial first aid kit sized for 50 percent of the number of persons the standby vessel is certificated to carry.

(b) Equipment required by paragraph (a) of this section shall be to the satisfaction of the Officer in Charge, Marine Inspection.

**§ 143.407 Manning.**

Standby vessels must be crewed in accordance with their certificate of inspection for 24 hour operation. The Officer in Charge, Marine Inspection, may require the crew to be augmented, as necessary, to provide for maneuvering the standby vessel, for lookouts, for rigging retrieval equipment, for launching, retrieving, and manning the rescue boat, and for retrieving and caring for survivors.

## PART 146—OPERATIONS

8. The authority citation for Part 146 is revised to read as follows:

Authority: 43 U.S.C. 1333(d)(1), 1348(c), 1356; 49 CFR 1.46.

7. New § 146.140 is added to read as follows:

**§ 146.140 Emergency Evacuation Plan.**

(a) Each manned OCS facility must have on board an Emergency Evacuation Plan (EEP) that is applicable to the facility and that addresses all items listed in paragraph (d) of this section.

(b) The operator shall submit an EEP for each manned OCS facility to the cognizant Officer in Charge, Marine Inspection (OCMI), for examination. For facilities existing on [*Insert effective date of the final rule*], the EEP must be submitted before [*Insert date 180 days after effective date of the final rule*]. For facilities not existing on [*Insert effective date of the final rule*], the EEP must be submitted before placing the facility in operation. The OCMI will examine the EEP to determine whether all items listed in paragraph (d) of this section are addressed.

(c) The EEP must be resubmitted for examination when substantive changes are made. Only the pages affected by a change need be submitted if the EEP is bound in such a way as to allow old pages to be removed easily and new ones inserted. Substantive changes include all items affecting the means or methods of evacuation, or the time required to accomplish evacuation, including response time.

(d) EEP must, at a minimum,

(1) Be written in language that is easily understood by the facility's operating personnel;

(2) Have a table of contents and general index;

(3) Have a record of changes;

(4) List the names, telephone numbers, and function of each person to be contacted under the EEP and state the circumstances in which they should be contacted;

(5) List the facility's communications equipment, their available frequencies, and the communications schedules with shore installations, standby vessels, and other OCS facilities specified in the EEP;

(6) Identify the primary source of weather forecasting relied upon in implementing the EEP and state the frequency of reports when normal weather is forecasted, the frequency of reports when heavy weather is forecasted, and the method of transmitting the reports to the facility;

(7) Designate the person who is assigned primary responsibility for implementing the EEP;

(8) Designate those facility and shoreside support personnel who have the authority to advise the person in charge of the facility as to the best course of action to be taken and initiate actions to assist facility personnel;

(9) Describe the recognized circumstances, such as a fire or blowout, and environmental conditions, such as an approaching hurricane or ice floes, in which the facility or its personnel would be placed in jeopardy and a mass evacuation of the facility's personnel would be recommended;

(10) For each of the circumstances and conditions described under paragraph (d)(9) of this section, identify the means and procedures for the ultimate evacuation of all persons on the facility to land, another facility, or other safe place;

(11) For each of the circumstances and conditions described under paragraph (d)(9) of this section, list the pre-evacuation steps for securing operations, whether drilling or production, including time estimates for completion and personnel required; and

(12) For each of the circumstances and conditions described under paragraph (d)(9) of this section, describe the order in which personnel would be evacuated, the transportation resources to be used in the evacuation, the operational limitations for each mode of transportation specified, and the time and distance factors for initiating the evacuation.

(e) The operator shall ensure that—

(1) All equipment specified in the EEP, whether the equipment is located on or

off the facility, is made available and located as indicated in the EEP and is designed and maintained so as to be capable of performing its function during an emergency evacuation.

(2) All personnel specified in the EEP are available and located as specified in the EEP and are trained in fulfilling their role under the EEP.

(f) A complete copy of the EEP must be made available to the facility's operating personnel and a brief written summary of the EEP must be given to each person newly reporting on board the facility.

(g) A copy of the EEP must be on board each standby vessel, if any are specified in the EEP, and provided to all shoreside support personnel, if any are specified in the EEP.

8. A new § 146.210 is added to read as follows:

**§ 146.210 Emergency Evacuation Plan.**

(a) The requirements for an Emergency Evacuation Plan (EEP) in § 146.140 apply to mobile offshore drilling units.

(b) To avoid unnecessary duplication, the EEP may incorporate by reference pertinent sections of the MODU's operating manual required by 46 CFR 109.121.

Dated: December 16, 1987.

J.W. Kime,

*Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Safety Security and Environmental Protection.*

[FR Doc. 87-29550 Filed 12-23-87; 8:45 am]

BILLING CODE 4910-14-M

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 1

[Gen. Docket No. 87-670; FCC 87-367]

### Implementation of Debt Collection Act of 1982 and Related Statutory Provisions

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission commenced a rule making proposing to adopt specific procedures for the collection of delinquent debts. These procedures would be used for expediting the collection of delinquent forfeitures, salary overpayments, or travel payments that exceed authorized payments.

**DATES:** Interested parties may file comments on or before February 4, 1988, and reply comments on or before February 19, 1988.

**ADDRESS:** Federal Communications Commission, Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Steve Bailey, Office of General Counsel, (202) 254-6530.

**SUPPLEMENTARY INFORMATION:** The full text of the discussion portion of this action is included here. However, in the interest of minimizing printing costs, the proposed rule amendments are not printed herein. The full text of the proposed amendments is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's Copy Contractor, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

*Adopted: November 23, 1987.*

*Released:* December 14, 1987.

By the Commission.

#### Introduction

1. In 1982, Congress enacted the Debt Collection Act, Pub. L. 97-365, 96 Stat. 1749, codified at 31 U.S.C. 3701, 3711, 3716, 3718, and 5 U.S.C. 5514 which authorizes new procedures designed to improve the ability of federal agencies to collect debts owed the United States. The Act also contains certain notification requirements and other protections for debtors. In 1984, Congress enacted the Deficit Reduction Act, Pub. L. 98-369, 98 Stat. 1153, which provides for the collection of money owed to the Federal Government through offsets to tax refunds. This notice proposes rules and regulations to implement the provisions of both statutes.

2. Generally, the Debt Collection Act authorizes new procedures for the collection of debts, including provisions that enable the use of administrative and salary offsets as a means of collecting money owed the Government.[1] In addition, the Act allows the Government to disclose to consumer reporting agencies information regarding delinquent debtors. Finally, the Act allows heads of agencies to make contracts with private collection services to recover indebtedness owed the United States.

3. The Act requires that agency regulations implementing the provisions of the law be consistent with uniform standards issued by the Department of Justice and the General Accounting Office. 31 U.S.C. 3711(e).[2] In addition, regulations pertaining to salary offset must conform to offset regulations issued by the Office of Personnel Management.[3] The regulations proposed herein, we believe, conform to the standards and procedures promulgated by these departments and offices.[4]

4. Section 2653 of the Deficit Reduction Act, codified at 31 U.S.C. 3720A, authorizes the Secretary of the Treasury to offset against income tax refunds any delinquent debt obligations to the Federal Government. Like the Debt Collection Act, the statute contains notice requirements and other protections for debtors.

5. In the paragraphs below, we discuss in more detail the provisions of the Debt Collection Act and the Deficit Reduction Act. The proposed rules implementing these statutes are set forth in the appendix hereto. Interested persons are invited to comment on the proposed rules; however, for the most part, the rules parallel the implementing regulations issued by DOJ, GAO, and OPM. Therefore, commenters should be aware that the Commission has limited discretion to make substantive changes in the rules.

#### Disclosure to Consumer Reporting Agencies

6. Section 3 of the Debt Collection Act, 31 U.S.C. 3711(f), authorizes agencies to report delinquent individual debtors to consumer reporting agencies. This provision applies only to individuals and, hence, includes only natural persons. As indicated above, the Act requires that certain procedural protections be provided to individuals before the release of any information concerning overdue payments. In addition, the Act requires that agencies report any significant change in circumstance (e.g., payment of the debt) to the consumer reporting agency.

7. Section 1.1918 of the proposed rules is intended to implement the Act's provisions relating to disclosure of debt information to consumer reporting

[1] The term "administrative offset" is defined as "withholding money payable by the United States to, or held by the Government for a person to satisfy a debt the person owes the Government." 31 U.S.C. 3701. Salary offset, a form of administrative offset, enables the Federal Government to recover debts payable from federal employees through deductions against salary or other benefits that accrue from Federal employment. 5 U.S.C. 5514 (1982).

[2] *See* 4 CFR Part 102—Standards for the Administrative Collection Claims.

[3] 5 CFR Part 550, Subpart K—Collection by Offset from Indebted Government Employees.

[4] Toward that aim, we will forward a copy of this Notice and the proposed rules to the General Accounting Office and Office of Personnel Management for their review and comment.

National Transportation Safety Board
Washington, D.C. 20594

Office of the Chairman

January 25, 1988

Commandant (G-CMC/21) (CGD 84-098b)
U.S. Coast Guard
2100 Second Street, S.W.
Washington, D.C. 20593-0001

25 JAN 1988

Dear Admiral Yost:

The National Transportation Safety Board has reviewed the Notice of Proposed Rulemaking, Emergency Evacuation Plan for Manned OCS Facilities (CGD 84-098b), and is generally in favor of the proposals contained therein. However, although the Safety Board is not opposed to an "evacuation performance standard" or to a "site-specific" evacuation plan per se, we cannot visualize a situation where a plan should not include a requirement for a properly designed, equipped, and manned standby vessel. The mobile offshore drilling units OCEAN EXPRESS, OCEAN RANGER, GLOMAR JAVA SEA, and PENROD 61 were all capable of providing for their own abandonment, but in each of these accidents primary lifesaving equipment was either damaged or failed in one manner or another. During both the GLOMAR JAVA SEA and PENROD 61 accidents, helicopters were generally available for evacuation but could not fly because of the weather conditions. These accidents vividly demonstrate the need for standby vessels. Canada, Norway, and the United Kingdom require standby vessels for MODUs operating on their outer continental shelves.

The Safety Board also believes that the proposed regulations should contain training requirements for the crews of standby vessels and that the seakeeping ability of the vessel should be considered when the Coast Guard approves a stardby vessel. Although the proposed regulations address the manning of standby vessels, they do not address the qualifications of the crew. In order to be effective, the crew of a standby vessel needs to be trained in the use of the safety rescue equipment provided aboard these vessels. Since standby vessels must operate in severe weather conditions, the Coast Guard should establish minimum seakeeping standards for these vessels.

The Safety Board is pleased that the Coast Guard has initiated action to require emergency evacuation plans for manned fixed facilities and mobile offshore drilling units, and welcomes the opportunity to comment on such an important regulatory project.

Respectfully yours,

Jim Burnett

Jim Burnett
Chairman

STATEMENT OF MIKE TOUPS, PRESIDENT, PROPELLER CLUB OF THE UNITED STATES,

PORT OF LAFOURCHE, LOCKPORT, LOUISIANA

The Propeller Club of the United States, Port of Lafourche is a maritime organization located in South Central Louisiana and consists of over one hundred men vitally interested in these proposed rules for emergency evacuation procedures for manned facilities on the Outer Continental Shelf (OCS). As president, I would like to thank the members of Congress present for allowing me to present our position.

Many of our members fear that these rules, if passed as presently written, could mean the financial death of their companies. Even though the Coast Guard has done an overall excellent job in this project, they have proposed some unrealistic, impractical and cost prohibitive requirements that would make many of the existing utility and supply vessels presently working on the OCS obsolete. The type of vessel required by these proposed rules does not exist today. Literally, years of design, plan submittal and construction would be required before a vessel of this type would become a reality.

The financial ramifications of these proposed rules will not be felt in six (6) years, six (6) months, or six (6) weeks. In the real world they have already been felt. Last week a local boat company was informed by an oil company that two of its vessels were being released. Although not the reason given they felt that continued use of standby vessels may impact upon plaintiff cases because these vessels, as is, do not meet the requirements of these rules even though they are only proposed and not final.

The Coast Guard must act immediately to assure that the oil industry does not further over-react to these proposed rules that will, in our opinion, be changed substantially before final draft.

In reducing these proposed rules to its most basic premise it seems the Coast Guard is creating performance standards for standby vessels without specifying exactly what these vessels are expected to accomplish. Further, they require the oil company to submit an Emergency Evacuation Plan (EEP) which they plan to examine only. The standby vessel, if used as part of this EEP must be certified and meet all the requirements of these rules. It seems most illogical that of all of the means of emergency evacuation, i.e., rescue capsule, helicopters, rigid life floats, that the standby vessel is the only means that is specifically addressed as having to meet performance standards set by the Coast Guard.

The major area of our concern in these proposed regulations is section 143.401(b) which states:

> "Standby vessels must be certified to carry all of the persons on the most populated OCS facility that the standby vessel is designated in the EEP to serve".

We feel this requirement is totally unacceptable. Utility and supply vessels have been used successfully offshore for years and a number of companies have evolved that concentrate on this element of the market. Great care should be taken not to eliminate these vessels from service. The oil companies like this type of vessel and have indicated they want them to continue in service.

We are suggesting taking the same Coast Guard certified utility and/or supply boats that are presently in operation now and modifying them to meet the intended need. Both we and the oil industry are in accord with this request. To

have a vessel certified to carry all of the people on the most populated OCS is impractical. One must remember that in the case of an emergency evacuation these people should be classified as survivors in direct route to an onshore place of safety, not as a passenger.

We estimate that there are between five hundred (500) to six hundred (600) utility vessels in the 90' to 130' range and another two hundred fifty (250) supply vessels over 150' that would be adversely affected by these rules if promulgated as presently written. Although the percentage of an oil company's budget spent on supply, utility and standby vessels is very small these requirements would force the oil companies to look to alternative, less expensive means of emergency evacuation. These alternative means of evacuation have been proven to be less efficient and more restricted in their capabilities than those benefits offered by a designated standby vessel. The offshore workers must be afforded every possible assurance of safe and efficient evacuation no matter what the circumstances. We feel our comment letter to the Coast Guard dated February 22, 1988 offers a package that is both fair to the oil companies and the boat companies and at the same time affords the offshore worker the optimum in current evacuation options.

The other section of the proposed regulations we take issue with is 143.405(a)(5) which states:

> A self-propelled rescue boat of rigid or inflatable construction or combination of both, capable of carrying at least nine persons include in a two (2) person crew. The rescue boat and its launching device must be approved by the Coast Guard and the rescue boat must meet the requirements of regulation 47 of the Annex to the International Convention for Safety of Life at Sea (1974 SOLAS), as amended. The rescue boat must be equipped with a two-way radio capable of voice communication with the standby vessel and the OCS facility.

We disagree with the use of a powered rescue boat. On vessels of less than 100 gross tons, Subchapter T approved utility vessels, we feel these vessels are small enough, maneuverable enough and their decks are close enough to the water level that the standby/safety vessel itself would serve as the rescue boat. In certain instances, i.e., retrieval of an injured or unconscious person, the already required rigid life raft with pointer attached to the standby/safety boat would suffice. While there is no objection that they have a proven ability to remove injured on unconscious person(s) from the water, the use of a powered rescue boat is unnecessary and generally increases the hazards of operation in efforts to launch and recover the boat in a seaway. On vessels of over 100 gross tons, Subchapter I and H (including offshore supply vessels (OSV's)), the rescue boat as already mandated by existing law would suffice. These vessels are already equipped with approved launching davits and the crews are trained in their operations. Currently required rescue boats (unself-propelled) are not intended to leave the immediate area of the vessel and are merely ansulary boarding devices. Any change in the "performance standard" for their use should be through the regulatory process. It seems that many in the Coast Guard are unfamiliar with their use. Unpowered rescue boats should continue to be used as they have proven to be a useful and safe means of facilitating the removal of persons from the water. We believe that the existing

structure of lifesaving equipment should not be changed in wholesale for one element of the industry as is proposed by these rules. Some sort of consistency of effort should prevail for the entire maritime and offshore oil industry.

We are in agreement with most of the other sections of the proposed regulations and feel that much forethought was incorporated in their formulation. We appreciate Congress' interest and the Coast Guard efforts in this proposal and would like to take this opportunity to extend our services to the Coast Guard in an effort to create an effective and reasonable regulatory package.

Thank you again for your time and consideration. I'll be happy to answer any questions you may have.

Yours truly,

PROPELLER CLUB OF THE UNITED STATES

PORT OF LAFOURCHE

Mike Toups

President

TESTIMONY OF DAVIS A. COPPEDGE

SUN EXPLORATION AND PRODUCTION COMPANY, DALLAS, TEXAS

ON BEHALF OF THE

AMERICAN PETROLEUM INSTITUTE

BEFORE THE

SUBCOMMITTEE ON THE PANAMA CANAL/OUTER CONTINENTAL SHELF

HOUSE MERCHANT MARINE AND FISHERIES COMMITTEE

MARCH 29, 1988

Thank you Mr. Chairman. Good afternoon ladies and gentlemen. I am Davis A. Coppedge, Director, Risk Management, Sun Exploration and Production Company; Dallas, Texas. I serve as Chairman of API's Production Safety Committee and am appearing before you as a representative of the American Petroleum Institute (API). API appreciates the opportunity to present its views on the U.S. Coast Guard's notice of proposed rulemaking, 33 CFR, 140, 143, and 146, "Emergency Evacuation Plans for Manned Outer Continental Shelf Facilities".

In addition to my comments today, I will submit for the record API's and the Offshore Operators Committee's (OOC) more detailed written comments that were submitted to the Coast Guard in February 1988.

On October 8, 1984 and November 22, 1985, Messrs. Lonnie G. Shivers, Arco Oil and Gas Company, and Paul W. Schmidt, Conoco, Inc., presented testimony on behalf of API before this Subcommittee on HR 6291, "The Offshore Installation Emergency Evacuation Act," and HR 1748, "The Offshore Installation Emergency Evacuation Act," respectively.

API's testimony before this Subcommittee did not support HR 6291 and HR 1748, as we do not believe that standby vessels at or in the immediate vicinity of each manned Outer Continental Shelf (OCS) installation are necessary to assure safe OCS oil and gas operations.

API has consistently maintained that the safety of personnel working to supply this nation with oil and gas from offshore waters locations is of paramount concern to the oil and gas industry. The oil and gas industry has devoted and continues to devote a great deal of attention, effort, and resources to maintaining and improving the safety of offshore workers. Improved equipment is constantly being developed, evaluated, and installed. Safer operating procedures and technology are being utilized, and more training is being provided for the offshore work force. For example, industry has funded and contruction is soon to commence on a Marine Survival Training Center to be operated in conjunction with the University of Southwestern Louisiana, Lafeyette. Safety is a dynamic subject and the oil and gas industry constantly works to improve personnel safety. These efforts include the provision of rapid, responsive, and effective evacuation systems for our offshore installations.

All manned OCS facilities are presently required to have planned station bills tailored to the facility activity, location, manning, and equipment. Facilities are required to be equipped with adequate stairwells, ladders, and landing platforms for routine as well as emergency use. Facilities may also have covered powered lifeboats and heliports, in addition to life rafts, personal flotation devices, and ring buoys. These factors, combined with the extensive number of manned platforms in the

primary OCS oil and gas producing areas (Gulf of Mexico and Offshore California) with their attendant high level of marine traffic, helicopter traffic, and U.S. Coast Guard patrols, reduce the value of standby vessels. This does not preclude the use of standby vessels in special circumstances where an operator determines use of a standby vessel is appropriate.

The U.S. Congress, in Sect. 52 of the Omnibus Budget Reconciliation Act of 1986 (Pub. L. 99-509; October 21, 1986), required the Coast Guard to issue regulations relating to the evacuation of personnel on manned OCS facilities, and in so doing to consider requiring standby vessels for evacuation of these personnel.

In response to this mandate, the Coast Guard published its Notice of Proposed Rulemaking, "Emergency Evacuation Plan for Manned OCS Facilities," at 52 FR 48717 December 24, 1987. This proposal requires comprehensive, site-specific contingency plans for the emergency evacuation of personnel from manned fixed OCS facilities and mobile offshore drilling units operating on the Outer Continental Shelf. This proposal also establishes specific standards for standby vessels if they are identified as an integral part of the emergency evacuation plan (EEP). The intent of this proposal is to provide facility personnel and those who assist facility personnel with the procedures and the equipment necessary for a safe and timely evacuation of an OCS facility during an emergency.

With this background in mind, API supports the Coast Guard's position that evacuation of personnel from offshore facilities occurs under many different conditions and that evacuation measures using equipment other

than standby vessels may be equally or more effective. Further, because of the differing conditions under which evacuations occur, API concurs with the Coast Guard's proposed approach to establish site-specific plans that provide sufficient flexibility to employ the most effective means of evacuation for the wide variety of manned OCS facilities.

API's written comments are attached to API's written statement. In general, these comments are supportive of the concept that each manned OCS facility should have a site-specific emergency evacuation plan. However, these detailed comments address some of the specific requirements for standby vessel design, manning, and equipment which would not provide the flexibility needed to meet varying rescue situations. For example, rescue boats would be required in the proposal for all standby vessels and operating areas. Highly maneuverable standby vessels frequently have a low freeboard minimizing the advantage of a rescue boat. Moreover, standby vessels may be of such a configuration that equipping a vessel with a rescue boat would be impractical. The particular personnel recovery method(s) specified for a standby vessel should be subject to approval by the Coast Guard when approving the vessel for standby duty.

In addition, the detailed comments address the Coast Guard's certification of a standby vessel's passenger capacity versus its capacity to function as a vessel in an emergency evacuation/rescue operation. In particular, a standby vessel should not be required to provide seating capacity for all persons aboard a facility during the temporary period of

an emergency evacuation. Such a requirement, in itself, is extremely restrictive as to the size and type of vessel needed, while not serving any beneficial purpose in a personnel rescue effort.

In summary, API endorses, with exceptions noted in the attachments, the Coast Guard's proposal which establishes standards for standby vessels but does not require mandatory utilization of standby vessels and maintains that OCS operators should be responsible for establishing appropriate site-specific emergency evacuation plans and support facilities. Detailed comments in the attachments are intended to be constructive and supportive of the identified objectives of the Coast Guard's proposed rulemaking.

API believes the proposed rules reflect the U.S. Coast Guard's authority and expertise to provide the most effective system for emergency evacuation regulations. The industry believes that a blanket requirement, whether for standby boats or any other type of evacuation system, could reduce safety and could stifle development of technology and equipment for improved emergency evacuation systems for manned OCS facilities.

This concludes my prepared testimony. API appreciates the opportunity to appear in this hearing and present this statement.

American Petroleum Institute
1220 L Street, Northwest
Washington, D.C. 20005
202-682-8140

C T Sawyer
Vice President

February 25, 1988

Commandant (G-CMC/21)(CGD 84-098b)
U. S. COAST GUARD
2100 Second St., S. W.
Washington, D. C. 20593-0001

Re: American Petroleum Institute comments on Notice of Proposed Rulemaking, U. S. Coast Guard, Department of Transportation, 33 CFR Parts 140, 143, and 146, "Emergency Evacuation Plan for Manned OCS Facilities," 52 FR 48717 (Dec. 24, 1987) Docket Number 84-098b.

Gentlemen:

The American Petroleum Institute (API) is pleased to provide the attached comments on the U. S. Coast Guard's notice of proposed rulemaking, "Emergency Evacuation Plan for Manned OCS Facilities."

API is a national petroleum industry trade association representing approximately 200 corporate members and approximately 4,500 individual members involved in all phases of the oil and gas industry. API member companies have extensive oil and gas exploration, drilling, and production activities which would be affected by this proposed rulemaking. These companies, API's individual members, and the Institute have a keen interest in the content of this rule.

API commends the Coast Guard for its effort to prepare equitable and workable rules. However, API is concerned that the requirements of this proposed rule will penalize those operators who want to employ the best available system for emergency evacuation of manned OCS facilities, yet costs and/or availability of suitable equipment may force them to either discontinue use of standby vessels or simply not include standby vessels in their facility emergency evacuation plan(s).

We appreciate the opportunity to provide comments on this proposed rulemaking. Please contact B. R. Hall or C. O. Liles (214-220-2034 and 214-220-2045 respectively) of my staff should further information be needed.

Sincerely,

C. T. Sawyer

CTS/nh
Attachments

AMERICAN PETROLEUM INSTITUTE
COMMENTS ON
U. S. COAST GUARD, DEPARTMENT OF TRANSPORTATION
Notice of Proposed Rulemaking;
"Emergency Evacuation Plan for Manned OCS Facilities"
52 FEDERAL REGISTER 48717 (DECEMBER 24, 1987)

§143.403 Maneuverability.

The U. S. Coast Guard requires that standby vessels be "highly maneuverable." If this is to be a requisite for approving standby vessels for OCS operations service, more specific definition or clarification should be provided to enhance the Operator's efforts to select and designate a standby vessel. §143.405 specifies requirements for multiple propellers or propulsion devices. Vessel maneuverability requirements should be stated in a form that can be easily verified by calculations based on bollard pull of propulsion devices, windage areas, and submerged profile.

§143.405 Equipment.

As proposed, standby vessels will have to meet the equipment requirements of this section when the emergency evacuation plan (EEP) indicates that a standby vessel will be a part of the evacuation procedure. API believes that the Coast Guard's estimate of 30 standby vessels to be employed in OCS operations is too low. The accuracy of this fleet count will not be determined until Operators complete their impact assessment(s) and determine whether to employ standby vessels, discontinue use of standby vessels, or simply not include standby vessels as a part of the EEP.

§143.405(5) Equipment (Continued).

The proposed rule requires that a self-propelled rescue boat and launching device be available on every standby vessel. This is not a justifiable requirement in Gulf of Mexico OCS water and other warm water operations areas. The purpose of this vessel is to quickly remove individuals from the water. In colder water operations areas, such a boat is important to reduce the time required for personnel removal from the water. However, the time differential for personnel removal from Gulf of Mexico and other warm waters by the standby vessel versus the self-propelled rescue boat should not be large enough to make a significant difference. The cost benefit for installing and maintaining these self-propelled rescue boats for Gulf of Mexico and other similar operations areas should be carefully studied.

The use of a self-propelled rescue boat exposes additional personnel (the boat crew) to some of the same hazards as the personnel they are attempting to rescue. Appropriate alternatives to avoid such added exposure should be sought. If other means of retrieving personnel from the water, as required under §143.405(a)(8), are as effective as a self-propelled rescue boat, such means should be accepted in lieu of the rescue boat.

§143.405(13) Equipment (Continued).

This paragraph requires a fire monitor with a minimum flow rate of 600 gallons per minute (gpm). A 600 gpm fire monitor is not a standard item of equipment. These fire monitors usually have 500 or 750 gpm capability. API suggests that this minimum requirement be revised as follows:

> "(13) A fire monitor with a minimum flow rate of 500 gallons per minute (gpm) and a fire pump capable of providing 500 gpm at the monitor operating pressure."

§143.407 Manning.

The requirements of §143.407 will generally mean at least three new crew members are required for each standby vessel. These crew members would be an additional captain to maintain 24-hour operations and two crew members for the self-propelled standby boat. The additional costs for these personnel to maintain 24-hour/day—365 days/year standby vessel service must be factored into the total cost impact of the proposed rule.

146.210 Emergency Evacuation Plan.

The proposed rule requires the operator to submit the EEP for mobile offshore drilling units (MODU) to the U. S. Coast Guard Officer in Charge, Marine Inspection for examination. API suggests that the rule should be revised to require the Coast Guard to provide within 24 hours of receipt of the EEP proper notification to the Operator and MODU owner of any deficiencies or required revisions.

The concern is the time delay between submittal of the EEP and approval. Generally, the number of days between contract execution and beginning of drilling work is minimal. The MODU plan including pertinent portions of the MODU operating manual can be prepared, as required, but this will require some time for preparation, review, and company approval(s). The EEP is then submitted to the Coast Guard. The drilling contractor cannot begin work until the EEP is approved. The Operator will not begin payment for drilling services until the plan is approved and operations begin. It is important to all parties to have a rapid turn-around on approval of MODU EEP's.

OFFSHORE OPERATORS COMMITTEE

[redacted]

R. A. FITCH, VICE CHAIRMAN
P.O. BOX 50879
NEW ORLEANS, LA 70150

E. C. SMITH, SECRETARY/TREASURER
3100 CANAL PLACE ONE
NEW ORLEANS, LA 70130

February 23, 1988

NOTICE OF PROPOSED RULEMAKING
33 CFR PARTS 140, 143, AND 146
EMERGENCY EVACUATION PLAN FOR MANNED
OCS FACILITIES

Commandant (G-CMC/21) (CGD84-0986)
U. S. Coast Guard
2100 Second St. SW
Washington, D.C. 20593-0001

Gentlemen:

The Offshore Operators Committee (OOC) appreciates the opportunity to comment on the proposed rulemaking that appeared at 52 FR 48717 on December 24, 1987. This proposed rulemaking requires comprehensive, site specific contingency plans for the emergency evacuation of all personnel from manned fixed facilities and Mobile Offshore Drilling Units (MODUs) on the Outer Continental Shelf (OCS facilities). The proposal also establishes specific standards for standby vessels if they are identified as an integral part of the Emergency Evacuation Plan (EEP). The intent of this proposal is to provide facility personnel and those who assist facility personnel with the procedures and the equipment necessary for a safe and timely evacuation of an OCS facility during an emergency.

The OOC is an organization of more than 60 companies who conduct essentially all of the OCS oil and gas exploration and production activities in the Gulf of Mexico. Our area of interest also includes the Atlantic Ocean. Our members possess operating expertise gained over many years of safe and efficient operations on the OCS. It should be noted that comments made on behalf of the OOC do not necessarily constitute the position of all of the individual members of the organization and are submitted without prejudice to any member's right to have or express different or opposing views.

As written, the regulations proposed for Emergency Evacuation Plans offer flexibility with respect to procedures and equipment to permit a successful emergency evacuation using a plan which can be tailored to the specific type of facility. As proposed, assigned standby vessels are not mandatory for each manned platform and/or MODU, appropriately permitting alternative safe evacuation methods. However, the proposed regulations could be improved to lessen the burden on offshore operators and the U. S. Coast Guard without significant risk to safety as per the following comments and recommendations:

I. GENERAL

Current Wording: (Summary)

"The Coast Guard is proposing to issue regulations which would require a comprehensive, site specific contingency plan for the emergency evacuation of all personnel from manned fixed facilities and Mobile Offshore Drilling Units on the Outer Continental Shelf (OCS facilities).

Proposed Wording: (Summary)

"The Coast Guard is proposing to issue regulations which would require a comprehensive contingency plan for the emergency evacuation of all personnel from manned facilities on the Outer Continental Shelf. Site specific plans would be required for manned fixed facilities whereas Drilling Unit specific plans would be required for Mobile Offshore Drilling Units (MODUs) on the Outer Continental Shelf".

Comment:

If the USCG requires the EEPs to be submitted for examination, the proposed wording provides for re-submitting MODU EEPs only when substantive changes occur as defined in 146.140(c). This relieves an operator of the burden to re-submit EEPs solely due to moving a MODU to a new location except when substantive changes occur as a result of the move.

II. STANDBY VESSELS

Current Wording: (143.401 (a)(b)

Standby vessels must -

(a) Have a valid certificate of inspection under Subchapters H, I, or T of 46 CFR Chapter I; and

(b) Be certificated to carry all of the persons on the most populated OCS facility that the standby vessel is designated in the EEP to serve.

Proposed Wording: (143.401 (a)(b)(c)

Standby vessel -

(a) Must have a valid certificate of inspection under Subchapters H, I, or T of 46 CFR Chapter I, and

(b) Must be additionally approved by the Coast Guard to safely carry a specified maximum number of persons and have the necessary manning and equipment for emergency evacuation purposes.

(c) Can serve more than one facility provided that the approved personnel capacity is equal to the maximum number of persons in any single EEP. If two or more standby vessels, in combination, are designated in an EEP or EEP's, the combined approved personnel capacity of the vessels shall be equal to the maximum number of persons in any single EEP.

Comment:

The proposed wording provides the flexibility for the Coast Guard to increase the allowable personnel

capacity for a vessel without having to meet all stipulations of Subchapters H, I, and T of 46 CFR. In particular, a standby vessel should not be required to provide seating capacity for all persons aboard during the temporary period of an emergency evacuation.

In addition to specifying the allowable personnel capacity of a standby vessel, the Coast Guard approval of the vessel should specify the necessary manning and equipment for the standby vessel qualification as a supplement to the certification. Lastly, the revised wording enables a standby vessel to be used to support other means of evacuation during high activity periods, when only a small portion of the total population of the facility could not be accomodated by other evacuation means, such as capsules, lifeboats, or other standby boats.

Current Wording:
(143.405(5)) A self-propelled rescue boat of rigid or inflatable construction .....

Proposed Wording: - Delete 143.405(5) -

Comment: See next comment wording

Current Wording:
(143.405(8)) A means of retrieving injured or helpless persons from the water.

Proposed Wording:
(143.405(8)) A means of retrieving <u>persons</u> <u>including</u> injured or helpless persons from the water.

Comment: The proposed deletion of 143.405(5) and the proposed changes to 143.405(8) allow the flexibility of specifying an alternate means of retrieving persons (who may or may not be injured or helpless) from the water other than a rescue boat. Rescue boats may be inappropriate for certain vessels. Standby vessels are highly maneuverable and frequently have a low freeboard negating any advantage of a rescue boat. Furthermore, standby vessels may be of such a configuration that equipping a vessel with a rescue boat would be impractical. The particular personnel recovery method(s) specified for a standby vessel would be subject to approval by the Coast Guard when approving the vessel for emergency standby.

Current Wording:
(143.405(13)) A fire monitor with a minimum flow rate of 600 gallons per minute.

Proposed Wording: (143.405(13))

A fire monitor with a minimum flow rate of 440 gallons per minute.

Comment:

A fire monitor with 440 gallons per minute is used on several existing vessels and there is no apparent advantage to the additional 160 gpm capacity when compared to the cost of retrofitting, estimated to be as much as $50,000 per system.

Current Wording: (143.405(15))

Floodlights to illuminate the rescue boat launching area, the scramble net when deployed, and the water around the rescue boat launching and scramble net deployment areas.

Proposed Wording: (143.405(15))

Floodlights to illuminate the areas associated with rescue operations such as a rescue boat launching area, the scramble net when deployed, and the water around these areas.

Comment:

The proposed wording is consistent with the flexibility stated above for specifying an alternate means of retrieving persons (who may or may not be injured or helpless) from the water other than a rescue boat.

III. EMERGENCY EVACUATION PLAN

Current Wording: (146.14099(b)(c))

(b) The operator shall submit an EEP for each manned OCS facility to the cognizant Officer in Charge, Marine Inspection (OCMI), for examination. For facilities existing on [Insert effective date of the final rule], the EEP must be submitted before [Insert date 180 days after effective date of the final rule]. For facilities not existing on [Insert effective date of the final rule], the EEP must be submitted before placing the facility in operation. The OCMI will examine the EEP to determine whether all items listed in paragraph (d) of this section are addressed.

(c) The EEP must be resubmitted for examination when substantive changes are made. Only the pages affected by a change need be submitted if the EEP is bound in such a way as to allow old pages to be removed easily and new ones inserted. Substantive changes include all items affecting the means or methods of evacuation, or the time required to accomplish evacuation, including the response time.

Proposed Wording:
(146.140(b)(c))

(b) The operator shall make an EEP available to the Coast Guard for examination during on-site inspections, or upon request of the Officer in Charge, Marine Inspection. For facilities existing on [Insert effective date of the final rule], the EEP must be completed and in place before [Insert date 180 days after effective date of the final rule]. For facilities not existing on [Insert effective date of the final rule], the operator shall complete and have in place the EEP for that facility before [Insert date 180 days after effective date of the final rule] or before placing the facility in operation, whichever is later.

(c) The EEP must be revised and/or updated in a timely manner when any changes occur which affect the implementation of the plan.

Comment: The proposed wording diminishes the burden on the Coast Guard of having to examine all EEP plans in a timely manner and prevents the potential delays in start-up of OCS operations. Furthermore, the proposed wording is consistent with other recent USCG as well as certain MMS and OSHA regulations which promote self-inspection. Finally, the proposed wording provides consistent relief for submitting EEPs to facilities that start-up within 180 days after the effective date of the final rule.

If you wish to further discuss the above comments, please call Bill Hopkins, (504) 561-2732.

Sincerely,

OFFSHORE OPERATORS COMMITTEE

R. A. Fitch, Chairman

ALH/CMG:jcv

c: Office of Regulatory Policy
Office of Management and Budget
726 Jackson Place, NW
Washington, DC 20503
Attention: Desk Officer, USCG

U.S. Department of Transportation
United States Coast Guard

Commandant
United States Coast Guard

Washington, D.C. 20593-0001
Staff Symbol: G-CC/104
Phone: 366-4280

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JUL 11 1988

The Honorable Billy Tauzin
Chairman, Subcommittee on the
Panama Canal/Outer Continental Shelf
Committee on Merchant Marine and Fisheries
House of Representatives
Washington, D. C. 20515-6230

Dear Mr. Chairman:

The attached Questions and Answers for the Record are provided pursuant to your Committee hearing on 29 March 1988 on the Coast Guard's proposed rules for emergency evacuation of manned OCS facilities. All responses have been reviewed and approved, as required, by the Department of Transportation, and the Office of Management and Budget.

Please do not hesitate to call if I can provide further assistance.

Sincerely,

R. T. Rufe
Captain, U. S. Coast Guard
Chief, Congressional Affairs Staff
By direction of the Commandant

Enclosure: (1) Q's and A's for Senator Tauzin, 1-8

Copy: Mr. Harry F. Burroughs III, Minority Staff

CONGRESSMAN BILLY TAUZIN QUESTIONS
WITH COAST GUARD ANSWERS: (1)
OUTER CONTINENTAL SHELF HEARING

QUESTION. - OTHER THAN THE RULEMAKING FOR EMERGENCY EVACUATION PLANS AND STANDBY VESSELS, WHAT OTHER RULEMAKING IS ONGOING OR ANTICIPATED FOR OFFSHORE SAFETY, AND WHAT IS ITS STATUS AND TIMETABLE?

ANSWER. - In addition to the rulemaking for emergency evacuation plans the Coast Guard has initiated the following regulatory projects.

a. Revision of Title 46, Code of Federal Regulations (CFR) Subchapter IA, Mobile Offshore Drilling Units (MODUs) Regulations (CGD 83-071(a)).

The purpose of this regulatory initiative is to address new developments in MODU design and operation, and to incorporate international agreements, interagency agreements, and numerous recommendations that have been received as a result of investigations of MODU casualties. An Advanced Notice of Proposed Rulemaking (ANPRM) was published in March 1985. In order to incorporate the latest international agreements preparation of the Notice of Proposed Rulemaking (NPRM) pends outcome of the International Maritime Organization's (IMO) MODU Code meetings during 1988.

b. Revision of the Regulations on Outer Continental Shelf (OCS) Activities (CGD 84-098)

The purpose of this regulatory initiative is to address new developments in the offshore industry, new legislation, interagency agreements, and numerous recommendations that have been received as a result of investigations of casualties on the OCS. The original project included, among other items, requirements for vessels engaged in OCS activities, OCS evacuation procedures, fixed and floating facility inspection, lifesaving appliances, and casualty data collection. An ANPRM was published in March 1985. In March 1986 that portion of the project addressing the self-inspection of fixed OCS facilities was extracted and redesignated as CGD 84-098(a). The offshore evacuation portion was extracted in January 1987 and redesignated as CGD 84-098(b). The remaining items will be addressed in an NPRM that is currently under development.

c. Self-inspection of Fixed OCS Facilities (CGD 84-098(a))

This regulatory initiative proposes that annual inspection of fixed facilities for compliance with Coast Guard regulations be conducted by the facility owner or by a third party employed by the owner in lieu of actual inspection by Coast Guard personnel. Under this program the owner would certify to the Coast Guard that the annual inspection was performed and that the facility, with the exception of listed discrepancies, is in compliance with Coast Guard regulations. The NPRM was published on July 7, 1987. The final rule has approval of both the Department of Transportation and the Office of Management and Budget. Publication of the final rule is anticipated before the end of May 1988.

d. Offshore Supply Vessel (OSV) Regulations (CGD 82-004)

The proposed OSV regulations will implement the provisions of Public Law 96-378, "Small Vessel Inspection and Manning Act," regarding inspection standards for new OSVs. The regulations are intended to take into consideration the unique characteristics of these vessels, their methods of operation, and the service in which they are engaged. An ANPRM was issued on February 14, 1983. The NPRM is currently under development.

e. Regulation of Liftboats (CGD 86-074)

The purpose of this initiative is to provide regulations for minimum safety standards for construction, operation, and maintenance of offshore liftboats and offshore service vessels other than conventional offshore supply vessels. An ANPRM was published on April 16, 1987. The NPRM target date has been tentatively set for three months following the publication of the NPRM on 46 CFR Subchapter L, Offshore Supply Vessels Regulations. The liftboat requirements will incorporate many of the basic requirements applicable to all OSVs that will be contained in Subchapter L. A Coast Guard Navigation and Vessel Inspection Circular addressing application of the current regulations to existing liftboats was published on March 23, 1988.

f. Offshore Crane Regulations (CGD 79-059)

This project would develop required qualifications for crane operators employed on the OCS and standards for crane design, inspection, and testing. An NPRM was published on February 14, 1986. An interim Final Rule is currently under development.

g. Lifesaving Equipment Regulations (CGD 84-069)

This project would upgrade the lifesaving equipment standards to incorporate recent advances in equipment technology and the international standards contained in the 1974 Safety of Life at Sea Treaty (SOLAS) and the 1983 SOLAS Amendments. The proposed rules would be applicable to all U.S. flag vessels, including MODUs, OSVs, and crewboats. The project would reorganize the lifesaving equipment regulations into one subchapter in order to simplify, clarify, and reduce redundancy. Through the requirements of the OCS Activities Regulations (46 CFR Subchapter N) these new equipment standards would also be applicable to lifesaving equipment installed on fixed facilities in the future. An ANPRM was published on December 12, 1984. The NPRM is currently under development.

CONGRESSMAN BILLY TAUZIN QUESTIONS
WITH COAST GUARD ANSWERS: (2)
OUTER CONTINENTAL SHELF HEARING

QUESTION. - IN PREPARING PROPOSED RULES FOR EMERGENCY EVACUATION PLANS AND STANDBY VESSELS, DID THE COAST GUARD ANALYZE SEPARATELY SUCH ISSUES AS REQUIRING STANDBY BOATS FOR MOBILE OFFSHORE DRILLING UNITS? DID THE COAST GUARD ANALYZE SEPARATELY REQUIRING STANDBY VESSELS DURING HIGH-RISK OPERATIONS SUCH AS DRILLING?

ANSWER. - In preparing the proposed rules for emergency evacuation plans for manned OCS facilities, the Coast Guard considered requiring standby vessels for all types of OCS facilities performing all types of operations. In the analysis of possible offshore evacuation methods, the Coast Guard specifically considered the hazards involved with MODU operations, their special operating characteristics, and the lifesaving and other safety equipment they are required to carry. The Coast Guard did not separately consider requiring standby vessels just for mobile offshore drilling units but did identify and include MODUs in determining the need for and the benefits and cost associated with requiring mandatory standby vessels.

The Coast Guard did not perform a separate economic analysis of requiring standby boats only during high risk operations such as drilling. The hazards involved in all phases of a facility's operation were considered including the prospect of evacuation using both standby vessels and other safety equipment.

CONGRESSMAN BILLY TAUZIN QUESTIONS
WITH COAST GUARD ANSWERS: (3)
OUTER CONTINENTAL SHELF HEARING

QUESTION. - WHY DID THE COAST GUARD REJECT THE RECOMMENDATIONS MADE BY THE NATIONAL TRANSPORTATION SAFETY BOARD AND THE MARINE BOARD OF INVESTIGATION FOR MANDATORY USE OF STANDBY VESSELS BY MOBILE OFFSHORE DRILLING UNITS?

ANSWER. - As consistently stated in responses to the recommendations made by both the National Transportation Safety Board and the Coast Guard Marine Boards of Investigation the Coast Guard recognizes that standby vessels in the immediate vicinity of a MODU may, in some cases, improve safety. However, The Coast Guard continues to believe that safer and more reasonable alternatives to standby vessels exist for most evacuation situations. A major cause of rig abandonment has historically been severe weather, and unless standby vessels are designed to withstand those severe conditions, requiring them to remain on scene could place the vessels and their crews in greater jeopardy than the MODU and its crew. Further, the risks inherent in boarding a standby vessel, particularly in severe weather conditions, in lieu of using the MODU's primary lifesaving equipment, must be given serious consideration. The Coast Guard believes that a MODU should, to the greatest extent practical, be self sustaining and capable of providing its own means of abandonment in the event of an emergency. In this regard, the Coast Guard is continually striving to improve and incorporate the latest developments in the design and launching arrangements of primary lifesaving appliances. For example, the Coast Guard's project to modify lifesaving equipment requirements (CGD 84-069) will propose rules that will incorporate the latest technological advances and international agreements regarding lifesaving equipment. Further, in order to increase the survivability of the MODU the Coast Guard will propose increased stability and structural standards in the NPRM concerning the revision of the MODU regulations (CGD 83-071(a)). This project will also propose new regulations that will increase the requirements for MODU firefighting and detection systems, hazardous areas, the handling of hazardous materials, and industrial equipment.

In October 1989 the Coast Guard will institute new rules that will require additional training and licensing of MODU personnel. The licenses and qualifying requirements will be designed specifically for the industrial nature of MODU operations. The licenses and qualifying requirements will be aimed at clarifying the chain of command and improving the ability of MODU personnel to safely maintain and operate their vessel.

CONGRESSMAN BILLY TAUZIN QUESTIONS
WITH COAST GUARD ANSWERS: (4)
OUTER CONTINENTAL SHELF HEARINGS

QUESTION. - WHAT SAFETY REQUIREMENTS, ESPECIALLY FOR PERSONNEL TRAINING AND MANDATORY SAFETY EQUIPMENT, NOW APPLY TO OCS FACILITIES?

ANSWER. - Coast Guard requirements for personnel training and mandatory safety equipment on mobile offshore drilling units and fixed OCS facilities can be found in Title 46, Code of Federal Regulations (CFR), Chapter I, Subchapter IA and Title 33, Code of Federal Regulations (CFR), Chapter I, Subchapter N respectively. The regulations in both Subchapters contain specific requirements for type and location of lifeboats, liferafts, personnel flotation devices, the type and location of fire extinguishing systems, as well as requirements for alarms and other safety devices. The two Subchapters also contain requirements for periodic fire and boat drills for training the facility's personnel in use of the equipment. Additionally all self-propelled MODUs must meet the requirements for licensed masters, mates, and engineers, and must have on board at least two able-bodied seamen. Non-self-propelled MODUs must have on board, when floating, two documented able-bodied seamen. All MODUs, regardless of operating mode, must carry a number of documented lifeboatmen as determined by the number and capacity of the lifeboats carried on the vessels. The requirements for obtaining the appropriate licenses or documents are contained in Title 46 CFR, Chapter I, Subchapter B.

The Mineral Management Service of the Department of Interior also has promulgated safety regulations pertaining to drilling, production, well control, and workover operations on OCS facilities.

CONGRESSMAN BILLY TAUZIN QUESTIONS
WITH COAST GUARD ANSWERS: (5)
OUTER CONTINENTAL SHELF HEARING

QUESTION. - WHAT SPECIFICATIONS AND EQUIPMENT STANDARDS ARE MANDATED FOR EVACUATION CAPSULES, COVERED LIFEBOATS AND HELICOPTERS USED OFFSHORE?

ANSWER. - The Coast Guard specifications for lifeboats are contained in Title 46, Code of Federal Regulations (CFR), Chapter I, Subchapter Q, Part 160.035. Evacuation capsules are treated as lifeboats and must also meet the standards contained in Title 46 CFR Part 160.035. The standards contained in Title 46 CFR Part 160.035 address the design, construction, and testing of the lifeboats and capsules. The regulations requiring mobile offshore drilling units and fixed offshore facilities to carry lifeboats or other lifesaving equipment, along with the requirement for the survival equipment that must be in the lifeboats, are contained in Title 46 CFR Subchapter IA, Part 108, Subpart E and Title 33 CFR Subchapter N, Part 144 respectively. The Coast Guard currently has docketed regulatory projects that will propose revisions to the specifications for lifeboats and capsules that would incorporate the latest international standards and the latest technological advances contained in those international standards. Further, in the NPRM concerning the revision of Title 33 CFR Subchapter N (CGD 84-098), the Coast Guard will propose changes to the lifesaving equipment requirements for fixed OCS facilities. Copies of all the above mentioned regulations are enclosed for your reference.

The Coast Guard does not prescribe specifications or equipment standards for helicopters used offshore. The Federal Aviation Administration of the Department of Transportation has the authority for promulgating standards for aircraft used in the U.S. including helicopters used on the OCS.

CONGRESSMAN BILLY TAUZIN QUESTIONS
WITH COAST GUARD ANSWERS: (6)
OUTER CONTINENTAL SHELF HEARING

QUESTION. - HOW WILL THE COAST GUARD HANDLE INADEQUATE EMERGENCY EVACUATION PLANS SUBMITTED BY OCS OPERATORS?

ANSWER. - The Coast Guard will examine each emergency evacuation plan (EEP) submitted by OCS facility operators to ensure that the plan addresses the evacuation circumstances and criteria required by the EEP regulations. If the Coast Guard determines that an EEP does not address all the applicable circumstances and criteria contained in the regulations the plan will be returned to the operator for revision and resubmission. Operators who fail to develop a plan that addresses all the applicable circumstances and criteria would be in violation of the Outer Continental Shelf Lands Act (OCSLA). In such cases the Coast Guard will notify the operator of the violation and give the operator a reasonable amount of time to correct the violation. Operators who still fail to develop a suitable EEP will be subject to appropriate penalty actions under OCSLA. EEPs that address all the applicable requirements but are determined by the Coast Guard to be inadequate will be stamped returned for revision and returned to the operator. The letter accompanying the plan will identify the areas the Coast Guard found inadequate and will recommend that the plan be revised and resubmitted for examination. After the plan has been revised and resubmitted, the Coast Guard will re-examine the plan, stamp it examined if the plan complies with the regulations, and issue a letter detailing the results of the second examination. A copy of the stamped plan and the accompanying Coast Guard examination letter must be placed on board the facility.

The Coast Guard believes that OCS facility operators will constructively and conscientiously develop EEPs that comply with the regulations. We believe that in instances where the Coast Guard identifies areas of inadequacies the operators will revise the plans to rectify such areas. We do not anticipate a problem with inadequate EEPs.

CONGRESSMAN BILLY TAUZIN QUESTIONS
WITH COAST GUARD ANSWERS: (7)
OUTER CONTINENTAL SHELF HEARING

QUESTION. - DOES THE COAST GUARD ANTICIPATE THAT OFFSHORE SUPPLY VESSELS AND CREW BOATS WILL CONTINUE TO PERFORM THEIR TRADITIONAL STANDBY ROLE, EVEN THOUGH THEY DO NOT HAVE ALL THE EQUIPMENT AND MANNING LEVELS THAT MAY BE REQUIRED OF "STANDBY VESSELS"?

ANSWER. - Current U.S. law (46 United States Code 2304) requires that all vessels respond to calls for assistance. The proposed EEP regulations would not preclude OSVs and crewboats from responding to requests for assistance in accordance with 46 USC 2304. Any vessel may respond to such requests for assistance without being required to comply with the EEP regulations. However, vessels specifically designated as standby vessels in a facility's EEP, thus making the rescue or evacuation of OCS personnel their primary duty, will be required to be in compliance with the requirements contained in the EEP regulations. The requirements for standby vessels being developed for inclusion in the final rule are intended to provide an acceptable level of safety, not only for the facility personnel that the vessel is designated to protect, but also for the vessel crew.

CONGRESSMAN BILLY TAUZIN QUESTIONS
WITH COAST GUARD ANSWERS: (8)
OUTER CONTINENTAL SHELF HEARING

QUESTION. - IS THE COAST GUARD'S BUDGET, OPERATIONAL AND PERSONNEL SYSTEMS ADEQUATE TO REGULATE OCS ACTIVITIES AT THE LEVEL WHICH CONGRESS HAS MANDATED?

ANSWER. - At this point in time, the Coast Guard budget is adequate to carry out mandated OCS regulatory activities and maintain the supporting information and management systems.

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